



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150

WASHINGTON, FRIDAY, JULY 9, 2004

No. 94

House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. LATOURETTE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

July 9, 2004.

I hereby appoint the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,

Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Father of Eternal Light, how shall we be measured in Your sight?

In a culture of achievement, we can carry over competitive attitudes to our relationship with You, O Lord, and to those we love or serve. But once we realize there is nothing we can do to make You love us more than You already do, we can be set free to simply love as You love, unconditionally, and serve others with abandonment. To give of ourselves in love and service is enough.

In a culture of success, the worst thing that can seem to happen is to fail, when all You ask of us, O Lord, is to do what is right, speak what is true, and give of ourselves in service of others without counting the cost.

Then the full measurement of ourselves will be not to impress others but to love others as You love and bring Your love to all we do in Your Holy Name.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the

last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. McNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. McNULTY) come forward and lead the House in the Pledge of Allegiance.

Mr. McNULTY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 218. An act to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2634. An act to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, to provide funds for campus mental and behavioral health service centers, and for other purposes.

The message also announced that pursuant to section 710, 2(A)(ii) of Public Law 105-277, the Chair, on behalf of the Majority Leader, appoints the following individual to serve as a member of the Parents Advisory Council on Youth Drug Abuse:

Laurens Tullock of Tennessee

The message also announced that pursuant to Public Law 105-18, the Chair, on behalf of the Democratic Leader announces the appointment, made during the adjournment, of the following individual, to serve as a member of the National Commission on the Cost of Higher Education.

Clara M. Cotton of Massachusetts.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that he will receive 5 one-minute speeches on each side.

RECOGNIZING T.J. PATTERSON

(Mr. NEUGEBAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEUGEBAUER. Mr. Speaker, I rise today in recognition of a good friend, T.J. Patterson, who this week ended 20 years of service on Lubbock's City Council. T.J. served on 10 city councils and under five different mayors.

I had the pleasure of serving with councilman T.J. Patterson, and what I

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

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learned in my 6 years in serving with T.J. is what most folks in Lubbock know, that he is a strong community leader and a tireless fighter for the values of the people he serves.

T.J. is a man of many firsts. After serving his country in Vietnam, T.J. became the first African American elected to the Lubbock City Council. He was also the first African American elected to be president of the Texas Municipal League. He founded the Texas Association of Black City Council Members and also the publication Southwest Digest.

During his 20 years of service, T.J. Patterson fought so hard for the things that matter to the citizens of Lubbock and Lubbock families: educating our kids and protecting Lubbock's youth from gangs and drugs.

The people in Lubbock and myself are grateful for T.J. Patterson's tireless service to his community.

200TH ANNIVERSARY OF THE DEATH OF ALEXANDER HAMILTON

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, I rise today to call attention to the 200th anniversary of the death of Alexander Hamilton, one of the Founding Fathers of the United States of America. Although everyone recognizes that he was a great American, it is not widely known that he was from St. Croix, my home.

Alexander Hamilton relocated to St. Croix from Nevis at the age of 9. There he developed the exceptional accounting, finance, and writing skills which later propelled his career. Many of Hamilton's later values and ideals were shaped by his experiences in St. Croix. A prime example was his opposition to slavery.

Best known as the first Secretary of the Treasury, Hamilton was a military man and a true statesman and public servant. Today in St. Croix where we walk where he lived and worked, we are celebrating his life. We celebrate too our invaluable contribution to the birth of this Nation and its early formative years.

On this anniversary of Hamilton's unfortunate death, let us remember him for his outstanding public service, his dedication to his country, and his contributions to our great history. However, when reflecting on his illustrious career, let us not forget that he is also a true Virgin Island son.

WE CONTINUE TO OVERSPEND

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, first I feel somewhat obligated to explain that my wife was not in town this week and I had to pick out my own tie.

As we approach more decisions on appropriations, this is the chart that I used on my Social Security presentation. I want to focus on the fact that 14 percent of total Federal spending is interest on the debt. That now amounts to about \$300 billion a year. So let us be conscious of the fact of how much we are spending and overspending.

This year we are going to spend about \$500 billion more than we are taking in. That is going to add to the debt. Interest rates are going up. We are putting a huge burden on our kids and our grandkids and future generations as this body and the Senate and the White House continue to overspend. Let us be frugal; let us realize that the imposition on our kids and grandkids is not fair and jeopardizes their future.

THEY STOLE THE VOTE

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, the Congress voted to restore civil liberties yesterday, and then the Republican Party stole the election. Again.

In America, you get to vote once, but not in a Republican America. In Republican America, they vote again and again and again until the Republicans get the preordained outcome the administration decrees. That is what happened yesterday in this Chamber.

The House has gotten to the point where the U.N. will have to send election monitors to ensure the votes are not rigged in the elections on November 2.

The vote was rigged yesterday. Today, they can spy on your private lives. Today, they can see what you read, what you watch, and play with your mind about what you are thinking. Today, they say America is safer because everybody is afraid. America is only more vulnerable and less free.

Yesterday's vote was not about anything but controlling the American people's freedom to read and dissent. This administration wants to end dissent. They want no one to say anything about anything they do whether it is in a prison at Abu Ghraib or giving contracts to Halliburton or anything. That is what yesterday was about.

RESEARCH AND DEVELOPMENT FUNDING IS PRICELESS

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, the cost of basic and applied research is priceless. Most Federal Government R&D is by the military with a current goal for basic research of 3 percent of the DOD budget.

The National Science Foundation supports nearly 50 percent of the non-

medical basic research at our colleges and universities, including the University of Maryland, which comprises only 4 percent of Federal R&D spending.

Federal Government military R&D spending peaked in 1962 and declined beginning in 1965 until President Reagan's first term, during which R&D rose and surpassed 1962 levels and peaked in 1987. It then declined in 1993.

Beginning in fiscal year 1996, bipartisan support in the Congress supported increases in R&D above administration requests. Beginning in 2000 the downward trend was reversed. President Bush's increases have been increased further with bipartisan support.

The United States spends a smaller percentage of our GDP on R&D than any other major industrial power. That is the exact equivalent of a farmer eating his seed corn. Tomorrow's innovations come from today's R&D. America will remain the world's premiere military and economic leader only if we increase our spending on R&D.

REPUBLICAN HOUSE LEADERSHIP CONTINUES TO ABUSE ITS POWER

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, yesterday we saw another example of how the Republican House leadership continues to abuse its power. The gentleman from Vermont (Mr. SANDERS) offered an amendment to an appropriations bill that would have blocked a controversial provision in the PATRIOT Act.

At the end of the 15 minutes of voting time, the Sanders amendment looked well on its way to victory with 20 Republicans voting with the majority of the Democrats. But the Republican leadership would not give the gentleman from Vermont (Mr. SANDERS) a victory and refused to gavel the vote. Despite the fact that no more Members were still waiting to vote, the Republican leadership left the vote open an additional 20 minutes. What were they doing during these 20 minutes? They were exerting intense strong-arm pressure on their own Republican colleagues who had the audacity to vote against the leadership.

The Republican leadership finally threatened enough Republicans to defeat the amendment. Yesterday's outrageous action was just another example of the Republican leadership's win-at-all-costs approach at running this House.

The gentleman from Vermont (Mr. SANDERS) played by the rules yesterday. Unfortunately, the Republican leadership long ago threw the rules out the window in this House. I conclude with the words chanted by many of my Democratic colleagues during the 20 minute delay: shame, shame on the Republican leadership.

MIAMI IRRESPONSIBLE ON HOMELAND SECURITY FUNDING

(Mr. SHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAW. Mr. Speaker, I rise again today to protest the unfair allocation of urban area security funding by the city of Miami. Miami is unfairly withholding the essential funds that my district needs to improve antiterrorism measures.

The city of Miami wants to keep the lion's share of the urban area security funding and to buy a helicopter, a helicopter, when Broward is receiving an embarrassing 10 percent of the money and Palm Beach County is receiving zero dollars.

It is ridiculous for Miami to be buying a helicopter with tax dollars of hard-working Americans. That is just plain egregious. All Broward and Palm Beach counties want is a fair share of what we need to protect our citizens against a terrorist attack.

One month after the 9/11 attack, anthrax was used to kill Robert Stevens, a 63-year-old photo editor in Palm Beach. And it is well known that the 9/11 terrorists made south Florida their base of operation. How much more evidence do we need to prove that Broward and Palm Beach counties are at risk and that we need some Federal assistance to help us address these very real threats.

The city of Miami cannot be trusted to spend in money on behalf of the region. President Bush, Secretary Ridge, Attorney General Ashcroft, Governor Bush, on down to the American taxpayers ought to be livid at what is going on. I know I am and so are my constituents.

CORRUPTION OF THE REPUBLICAN LEADERSHIP

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, Members of the House, yesterday a bipartisan majority in this House voted to change the PATRIOT Act so the government cannot wantonly snoop and peer in what people are reading in their public libraries and at their book stores. But that bipartisan majority was unable to be sustained because of the corruption of the Republican leadership in this House, because of the corruption of the rules of this House, and because of the corruption of the principles of this country by that Republican leadership.

What they could not stand was the fact that there was a majority that disagreed with the handful in the Republican leadership. So they nullified the vote. They nullified the principles of democracy; they nullified the principles of majority rule in the House of Representatives.

That very same day, thousands of families and schoolchildren came through the Capitol and they were told this is where democracy reigns. This is the beacon to the world. This is where freedom exists. But it does not exist on the floor of the House of Representatives because of the corruption of the leadership of the Republican Party.

Every time they believe the majority is going to win out here, a bipartisan coalition majority whether it is on minimum wage, whether it is on overtime, they prevent that vote from taking place. The people who are truly afraid of the majority in this country is the corrupt Republican leadership in this House.

HONORING WILLIAM F. BUCKLEY'S STEWARDSHIP OF NATIONAL REVIEW

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, today the conservative movement in America stands on the shoulders of giants: men such as Edmund Burke, T.S. Elliot, F.A. Hayek, Whitaker Chambers, and William F. Buckley, Jr. Of all these theorists, no one has made a deeper and more profound impression on my life than William F. Buckley, Jr.

Since attending high school, I have read National Review, the magazine founded by Mr. Buckley in 1955. Through his stewardship of conservatism's flagship magazine, he was able to direct our visions and coherently communicate our positive philosophy. Indeed, Mr. Buckley defined the conservative movement as one that promotes a strong national defense to defeat communism and terrorism and for limited government, lower taxation, personal responsibility, individual freedom.

These principles are still the basis of conservatism today, and the National Review after nearly 50 years is still our guidebook.

Last week, Mr. Buckley turned over his ownership of National Review and ended a special era in American history. I ask all of my colleagues to join me in thanking William F. Buckley, Jr., for his service to the American political dialogue.

In conclusion, may God bless our troops and we will not forget September 11.

PUBLIC TRANSIT NEEDS MORE FUNDING FOR SECURITY

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, it does not hurt to remind Americans to be vigilant against terrorist attacks, but yesterday's infomercial from the Department of Homeland Security was similar to warnings in April and May

that did not tell the American people what to do and glossed over serious gaps in the administration's effort to protect our rail and transit systems.

One-third of all terrorist attacks worldwide target transit systems, and public transit is the most frequent target. What happened in Madrid could easily happen in New York. And we know for sure that the al Qaeda had plans to attack Washington D.C.'s Metro system last year.

We know that public transit carries 16 times more passengers than the airlines, but the Federal Government provides 90 times more funding for airline security. Something is very wrong with this security funding formula, and yesterday's press conference did nothing to fix it.

COMMUNICATION FROM THE HON. NANCY PELOSI, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
July 8, 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 1501(b) of the National Defense Authorization Act for Fiscal Year 2004 (P.L. 108-136), I hereby appoint to the Veterans' Disability Benefits Commission Col. Larry G. Brown of Oregon and Mr. Joe Wynn of Washington, DC.

Best regards,

NANCY PELOSI.

PROVIDING FOR CONSIDERATION OF H.R. 2828, WATER SUPPLY, RELIABILITY, AND ENVIRON- MENTAL IMPROVEMENT ACT

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 711 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 711

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2828) to authorize the Secretary of the Interior to implement water supply technology and infrastructure programs aimed at increasing and diversifying domestic water resources. The bill shall be considered as read for amendment. The amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill shall be considered as adopted. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Resources; (2) the further amendment in the nature of a substitute printed in the report of the Committee on

Rules accompanying this resolution, if offered by Representative Calvert of California or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for 20 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, House Resolution 711 is a modified closed rule providing for the consideration of H.R. 2828, the Water Supply Reliability and Environmental Improvement Act.

The rule provides 1 hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. The rule also waives all points of order against the bill, provides that the amendment recommended by the Committee on Resources now printed in the bill shall be considered as adopted and waives all points of order against the bill as amended.

The rule further provides for consideration of the amendment in the nature of a substitute printed in the Committee on Rules report and accompanying the resolution, if offered by the gentleman from California (Mr. CALVERT) or his designee. Said amendment shall be considered as read and shall be separately debated for 20 minutes equally divided and controlled by a proponent and an opponent.

Finally, the rule waives all points of order against the amendment in the nature of a substitute printed in the report and provides one motion to recommit with or without instructions.

Mr. Speaker, H.R. 2828 was introduced by the gentleman from California (Mr. CALVERT) and passed by the Committee on Resources on May 5, 2004, by a voice vote. The bill would authorize the Secretary of the Interior to implement badly needed water supply technology and infrastructure programs aimed at increasing and diversifying domestic water supplies.

As is the case if many parts of the West, considerable controversy has arisen over allocation of water from a vast network of rivers, marshes, wetlands, and open water known as the California Bay-Delta. This area covers 780,000 acres and supplies water to two-thirds of California's population and nearly 7 million acres of farm land through a series of pumps, canals, and dams operated by the Federal and State governments.

The competing demands for Bay-Delta water have stretched the resources capacity to provide reliable amounts of water to users and the ecosystem and cause conflicts among farmers, urban water contractors, and environmental groups.

The California Bay-Delta program, known as CALFED, was initiated in 1995 to resolve these water conflicts. Although a record of decision for the current CALFED program was issued in 2000, legislation to implement that program has yet to be enacted by Congress. H.R. 2828 establishes within the Office of the Secretary of the Interior an office of the Federal Water Resources Coordinator to be responsible for coordinating the activities of all Federal agencies involved in implementing the activities authorized under this act.

The bill directs the Secretary to undertake a competitive grant program to, one, investigate and identify opportunities for studying, planning, and designing water resource activities; and, two, construct demonstration and permanent facilities to further these purposes as well as other programs, projects and activities.

The bill also authorizes the Federal agencies to participate in the CALFED Bay-Delta program in accordance with the objectives and solution principles that will be set forth in the Record of Decision.

In addition, H.R. 2828 authorizes the Secretary to establish a program for the construction of rural water systems in the reclamation States in cooperation with other Federal agencies with rural water programs as well as non-Federal project entities.

Mr. Speaker, CBO estimates that implementing H.R. 2828 would cost \$427 million over the 2005 to 2009 time period and \$65 million after 2009. These amounts do not include the cost of constructing four new water storage projects authorized by this bill because construction would be begin after 2009.

CBO estimates that the Federal share of those additional construction costs could range from \$200 million to \$400 million over the 2010 to 2020 time period.

Enacting this bill would not affect direct spending or revenues. H.R. 2828 contains no intergovernmental or private sector mandates as defined by the Unfunded Mandates Reform Act and would impose no costs on the State, local, or tribal governments.

Mr. Speaker, those of us from western States in particular are acutely aware of the importance of providing adequate water supplies in ways that protect sensitive environmental resources. Indeed, this is among the most challenging areas of domestic policy that we have. I commend the gentleman from California (Mr. CALVERT) and his colleagues on the Committee on Resources for tackling this difficult issue in a way that strikes a reasonable balance between economic development and environmental protection.

This bill is badly needed and long overdue. So accordingly, Mr. Speaker, I urge my colleagues to support both the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. MCGOVERN asked and was given permission to revise and extend his remarks.)

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman from Washington (Mr. HASTINGS) for yielding me the customary 30 minutes so we can talk about H. Res. 711 which is providing for the consideration of H.R. 2828, the Water Supply, Reliability and Environmental Improvement Act. I was kind of hoping the gentleman might yield me 38 minutes instead of the customary 30 minutes; but then again, he is not in the chair so he is not able to do that today.

Mr. Speaker, what happened yesterday on this House floor was a disgrace. And the Republican leadership who run this House should be ashamed of themselves. The majority Members who allowed that to happen yesterday should also be ashamed of themselves.

The gentleman from Vermont along with several of his colleagues offered an amendment to strike a controversial provision of the PATRIOT Act. This provision allows authorities to demand library and Internet records of people who use our public libraries.

Three years ago, Mr. Speaker, I voted against the PATRIOT Act because it expanded the authority of the Attorney General and the FBI without requiring any corresponding accountability. And yesterday I voted for the Sanders amendment because it protects the American people and our public libraries and book stores from the overreaching arm of the Department of Justice.

Mr. Speaker, the Sanders amendment won. And this deliberative body, in this place where democracy is the standard, the Sanders amendment won. And after 15 minutes there were 213 people voting for the amendment, and only 206 voting against it. That is a clear victory. One does not need a Ph.D. in mathematics to figure out that the Sanders amendment won, fair and square.

Yet the House Republican leadership held the vote open for 23 more minutes for a total of 38 minutes so they could twist the arms of their rank and file to change their vote so they could rig this vote. After these 38 minutes were over and the vote was finally closed, the vote was tied 210 to 210.

The Republican leadership did what they do best, they hijacked the democratic process and they did it. And they did it because they could, and they did it because they could get away with it.

What happened yesterday on the House floor was unique in only one respect, Mr. Speaker, and that is it happened in broad daylight. Usually, this heavy-handedness happens late into the night or in the early morning hours

so that nobody is watching, so that there is nobody in the press gallery who was watching, so that people at home are asleep. So what happened yesterday was unique only in that one respect.

Mr. Speaker, the actions of the Republican majority have diminished the people's House. They have made a mockery of democracy, and they have demonstrated a heavy-handedness that is becoming all too common here.

Yesterday, once again, the Republican majority demonstrated an incredible arrogance toward the American people. They demonstrated an incredible contempt for the Members of this House, Members of their own party who they intimidated into changing their votes.

Quite frankly, Mr. Speaker, they are unqualified to run this people's House. They have made a laughing stock of this place. They have turned this House into a national embarrassment. This is unacceptable. This is unacceptable, Mr. Speaker. And the American people need to know what is going on here. This is not a deliberative body anymore. This is not a place of democracy. This is not a place where people can debate ideas, where people then can vote, Members can vote and then the majority wins. This place is not being run the way it is supposed to be run. It is an absolute disgrace.

Mr. Speaker, this bill addresses an issue that affects the State of California—the distribution of water from north to south, and other related issues unique to California. However, I am concerned with many of the provisions in the bill and their potential to impact all of us. Specifically, I'm concerned about a seemingly technical provision in this bill that could have far-reaching effects on how water is used in California and how we conduct our business here in Congress.

Section 103(b)(5)(A) of this bill grants an ongoing, rolling authorization to the Federal Bureau of Reclamation to plan and build water projects in the California Bay-Delta area. In plain English, this means that Congress would be writing a blank check to the Department of Interior to build as many billion-dollar dams in central California as they want, even if these projects end up harming the environmentally sensitive areas we say we want to protect.

Mr. Speaker, the way our legislative process is supposed to work is that Congress writes the laws and sets the policies about how and where our tax dollars get spent. The job of the executive branch is to implement these laws through the various agencies of the Federal government.

This bill sets up a process that turns the legislative process on its head. It hands over the Congressional power to spend public funds to an unaccountable Federal agency. It tells officials in the Department of Interior they can spend billions of the taxpayers' dollars any way they want and then, only afterwards, check in with Congress. And if Congress doesn't act in 120 days, the Department can continue on its merry way, spending billions of dollars on dams and other water projects that may or may not accomplish the objectives of the CALFED water agreement.

Supporters of this provision claim there are precedents for their so-called "non-project-

specific authorization" language, but their precedents involve only small projects and small dollar amounts.

In the case of the CALFED Water Project, the public policy stakes are just too high for Congress to hand over our decision-making responsibilities to a Federal agency. Congress has a constitutional responsibility to make these kinds of decisions, and we shouldn't shirk those responsibilities by passing the buck to a Federal agency. The way the CALFED project is managed over the next 30 years will have a profound effect on the 35 million water-drinking citizens of the State of California, the State's agricultural industry, and some of our country's most fragile and endangered ecosystems.

And what about our responsibility to be careful stewards of taxpayer dollars? I constantly hear fiscal conservatives on the other side of the aisle complain about the lack of budget discipline. Prior to the recess, these fiscal conservatives led a charge trying to slow down Federal spending, and make it harder for Congress to spend taxpayer dollars. But this bill basically gives the executive branch a blank check to spend on potentially costly projects like dams and canals.

I hope that some of those same members join me today in expressing concern about a policy that allows an agency to "Spend the money first, then check in with Congress later." That doesn't strike me as a policy that will help us get out of the deep budget deficit hole—a hole that has been deepened by President Bush and this Republican Congress.

Mr. Speaker, this provision is bad policy and this bill is poorly drafted. I will vote against this bill, and I urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CALVERT), the author of this legislation and one who has been a leader on this issue.

□ 0930

Mr. CALVERT. I thank the gentleman from Washington for yielding me this time.

Mr. Speaker, I rise in favor of this rule. Certainly water is extremely important, not just to California but the entire west, and certainly to all of those who have been associated with the current CALFED program, ecosystem restoration activities appears to be somewhat haphazard. The measurable outcome has focused on dollars spent rather than increased numbers of fish and wildlife. This legislation proposes new congressional oversight and accountability, requiring Federal agencies to report on certain ecosystem restoration program goals and accomplishments. For example, landowners want to see accomplishments of land and water management plans and how new ecosystem restoration plans will fit into the big picture.

The manager's amendment to the bill will be reducing the Federal cost of implementation of this from over a billion dollars 4 years ago, and \$890 million as introduced to a Federal authorization of \$427 million.

This bill has bipartisan support. H.R. 2828 is the product of congressional de-

liberation and lengthy negotiations. That is why it was reported by the Committee on Resources with bipartisan support. Democrats and Republicans throughout the State of California support this bill because it is balanced in nature and it will be, as I mentioned, not just good for California but the entire West.

I urge the adoption of this rule.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I know that we are debating the rule on legislation that is being proposed this morning, but I have to say, I do not really know what the rules are anymore in the House of Representatives. I listened last night when the Sanders amendment came up and all that the majority were trying to do, the bipartisan majority, was to protect Americans' civil liberties. After the vote took place, all of a sudden the floor and the vote stays open for another 30 plus minutes, even though everyone had voted and there was not anyone left in the well to cast a vote. It is a total abuse of power by the Republican majority here on the floor of the House of Representatives.

Think about it. When you go to the polls and vote in a general election, in New Jersey the polls close at 8 o'clock. Then you count the votes. You do not have the opportunity to keep the voting machine open and have the people come back and say, well, I changed my mind because I heard about something new that somebody told me and now I want to change my vote, so let's keep it open.

How long is the vote going to be kept open here in the House of Representatives until the Republican majority get their will regardless of what the American people and their representatives want. Will we keep it open 30 minutes as it was yesterday on the Sanders amendment? Will we keep it open 3 hours as we did on the Medicare prescription drug bill which was a lousy bill and the majority, including a significant number of Republicans, were against it until they were cajoled in a 3-hour delay and promised all kinds of things and probably laws were violated to get Members on the Republican side to change their vote. What are the rules?

We act as if this is the House of Representatives that is based on rules. That is why we are having a debate on a rule today for a piece of legislation. But there are no rules. The majority abuses its power and does whatever it pleases. We never know at any given time when the vote is going to be over. I think if this continues, it is just going to be worse and worse for our system of government, the democratic system that we value and cherish here in the House of Representatives and across the country. All that everyone who voted for the Sanders amendment yesterday were trying to do was to protect civil liberties.

One may disagree, think that the PATRIOT Act is good or think it is bad, but when a majority on a bipartisan basis makes a decision that it should be amended and should be changed because they want to protect civil liberties, then that majority should be allowed to vote in a fair way. We do not keep the vote open as we go around and tell Members, well, maybe I am going to give you this or give you that if you change your vote on something that is so basic to American civil liberties. It is just not right. It is shameful.

I just want to join with my colleagues again, on both sides of the aisle, essentially last night who said shame, shame on the Republican majority for what they continue to do and this abuse of power. Something has got to be done so that we know what the rules are. I do not know what the rules are anymore around here and how this Republican leadership goes about deciding what the rules are.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 6 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, as we discuss the rules, it is impossible for those of us on our side to proceed without talking about the degrading spectacle of yesterday. It is particularly ironic that the Republican leadership chose to use extremely undemocratic tactics because there was a fear that democracy might break out in the law. What you had was a bipartisan coalition which formed a majority of the House seeking to change a provision of the PATRIOT Act.

POINT OF ORDER

Mr. HASTINGS of Washington. Mr. Speaker, point of order.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman will state his point of order.

Mr. HASTINGS of Washington. Mr. Speaker, I make a point of order that the gentleman is in violation of House rule XVII, which requires that a Member's remarks in debate shall be confined to the question under debate, and ask to be heard on my point of order.

Mr. Speaker, House rule XVII, pertaining to Decorum and Debate provides in part that when a Member desires to speak or deliver any matter to the House, they shall on being recognized confine themselves to the question under debate.

To quote from section 948 of the House Rules and Manual:

"Debate on a special order providing for the consideration of a bill may range to the merits of the bill to be made in order, since the question of consideration of the bill is involved, but should not range to the merits of a measure not to be considered under that special order."

Mr. Speaker, nothing in this rule or the bill it makes in order has anything to do with what occurred on the floor yesterday afternoon.

Therefore, I urge that the Chair uphold this point of order against this irrelevant debate.

The SPEAKER pro tempore. Does the gentleman from Massachusetts wish to be heard on the point of order?

Mr. FRANK of Massachusetts. I wish to be heard on the point of order and to contest it vigorously.

I understand the sensitivity of the author of the point of order to discussion of the events over which he presided yesterday, but we are talking about the rules of the House, and we were confronted with what we believed to have been a grievous abuse of the spirit of the rules of the House and we need some reassurance that we will not have a repetition of this as we go forward.

We are, after all, now debating whether or not we will have a previous question motion. If it were to fail, we would then be able to offer some amendments that might prevent that kind of abuse. So I believe a discussion of the abusive pattern of behavior of yesterday is directly relevant to a discussion about whether we ought to go forward with a rule with a previous question or whether or not we ought to be allowed to propose some amendments to this rule that will protect us against the abuse of power of yesterday.

The SPEAKER pro tempore. The Chair finds that the gentleman from Washington is correct, that the remarks during this debate should be confined to the special order of business before the House. The pending business before the House is not a discussion of the rules of the House generally. It is the rule that is pending before the House.

Mr. FRANK of Massachusetts. Mr. Speaker, I appeal the decision of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. HASTINGS OF WASHINGTON

Mr. HASTINGS of Washington. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from Washington (Mr. HASTINGS).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 197, nays 165, not voting 71, as follows:

[Roll No. 348]

YEAS—197

| | | |
|-----------------|---------------|---------------|
| Aderholt | Gibbons | Nussle |
| Akin | Gilchrest | Osborne |
| Alexander | Gingrey | Ose |
| Bachus | Goodlatte | Oxley |
| Baker | Goss | Pearce |
| Ballenger | Granger | Pence |
| Barrett (SC) | Graves | Peterson (PA) |
| Bartlett (MD) | Green (WI) | Petri |
| Bass | Greenwood | Pickering |
| Beauprez | Gutknecht | Pombo |
| Bereuter | Hall | Porter |
| Biggart | Harris | Portman |
| Bilirakis | Hart | Pryce (OH) |
| Bishop (UT) | Hastings (WA) | Putnam |
| Blackburn | Hayes | Radanovich |
| Blunt | Hayworth | Ramstad |
| Boehlert | Hefley | Regula |
| Boehner | Hensarling | Rehberg |
| Bonilla | Hobson | Renzi |
| Bonner | Hoekstra | Rogers (AL) |
| Boozman | Hostettler | Rogers (KY) |
| Boucher | Houghton | Rogers (MI) |
| Bradley (NH) | Hulshof | Royce |
| Brady (TX) | Hunter | Ryan (WI) |
| Brown (SC) | Hyde | Ryun (KS) |
| Brown-Waite, | Issa | Saxton |
| Ginny | Istook | Schrock |
| Burgess | Jenkins | Sensenbrenner |
| Burns | Johnson (CT) | Sessions |
| Burr | Johnson (IL) | Shadegg |
| Buyer | Jones (NC) | Shaw |
| Calvert | Keller | Shays |
| Camp | Kelly | Sherwood |
| Cannon | Kennedy (MN) | Shimkus |
| Cantor | King (IA) | Shuster |
| Capito | King (NY) | Simmons |
| Carter | Kingston | Simpson |
| Castle | Kirk | Smith (MI) |
| Chabot | Kline | Smith (NJ) |
| Chocola | Knollenberg | Smith (TX) |
| Coble | Kolbe | Souder |
| Cole | Latham | Stearns |
| Crane | LaTourette | Tancredo |
| Crenshaw | Leach | Taylor (MS) |
| Cubin | Lewis (CA) | Taylor (NC) |
| Cunningham | Lewis (KY) | Terry |
| Davis, Jo Ann | LoBiondo | Thomas |
| Davis, Tom | Lucas (OK) | Thornberry |
| DeLay | Manzullo | Tiahrt |
| DeMint | McCotter | Tiberi |
| Diaz-Balart, M. | McCrery | Toomey |
| Doolittle | McHugh | Turner (OH) |
| Dreier | McInnis | Upton |
| Duncan | Mica | Vitter |
| Ehlers | Miller (FL) | Walden (OR) |
| Emerson | Miller (MI) | Walsh |
| Everett | Miller, Gary | Wamp |
| Feeney | Moran (KS) | Weldon (FL) |
| Ferguson | Murphy | Weldon (PA) |
| Foley | Musgrave | Weller |
| Forbes | Myrick | Whitfield |
| Fossella | Nethercutt | Wickler |
| Franks (AZ) | Neugebauer | Wilson (NM) |
| Frelinghuysen | Ney | Wilson (SC) |
| Gallely | Northup | Wolf |
| Garrett (NJ) | Nunes | Young (FL) |

NAYS—165

| | | |
|-------------|------------|----------------|
| Abercrombie | Davis (CA) | Hill |
| Allen | Davis (FL) | Hoeffel |
| Andrews | Davis (IL) | Holden |
| Baca | Davis (TN) | Holt |
| Baird | DeFazio | Honda |
| Baldwin | DeGette | Hooley (OR) |
| Becerra | DeLauro | Hoyer |
| Berkley | Deutsch | Inslee |
| Berman | Dicks | Israel |
| Berry | Dingell | Jackson (IL) |
| Bishop (GA) | Doggett | Jackson-Lee |
| Boswell | Doyle | (TX) |
| Boyd | Edwards | Johnson, E. B. |
| Brady (PA) | Emanuel | Kanjorski |
| Brown (OH) | Eshoo | Kaptur |
| Capps | Etheridge | Kennedy (RI) |
| Capuano | Evans | Kildee |
| Cardin | Farr | Kilpatrick |
| Cardoza | Filner | Kind |
| Carson (OK) | Ford | Kucinich |
| Chandler | Frank (MA) | Lampson |
| Clyburn | Frost | Langevin |
| Conyers | Gonzalez | Lantos |
| Cooper | Gordon | Larson (CT) |
| Costello | Grijalva | Levin |
| Cramer | Gutierrez | Lewis (GA) |
| Crowley | Harman | Lofgren |
| Davis (AL) | Herseth | Lowey |

| | | |
|---------------|------------------|---------------|
| Lucas (KY) | Oliver | Scott (VA) |
| Lynch | Ortiz | Serrano |
| Maloney | Pallone | Sherman |
| Markey | Pascarell | Skelton |
| Marshall | Pastor | Slaughter |
| Matheson | Payne | Smith (WA) |
| Matsui | Pelosi | Snyder |
| McCarthy (MO) | Peterson (MN) | Solis |
| McCarthy (NY) | Pomeroy | Spratt |
| McCollum | Price (NC) | Stark |
| McDermott | Rahall | Stenholm |
| McGovern | Rangel | Strickland |
| McNulty | Rodriguez | Stupak |
| Meehan | Ross | Tauscher |
| Meek (FL) | Rothman | Thompson (CA) |
| Menendez | Roybal-Allard | Thompson (MS) |
| Michaud | Ruppersberger | Tierney |
| Millender | Rush | Towns |
| McDonald | Ryan (OH) | Udall (CO) |
| Miller (NC) | Sabo | Udall (NM) |
| Mollohan | Sánchez, Linda | Van Hollen |
| Moore | T. | Velázquez |
| Moran (VA) | Sanchez, Loretta | Visclosky |
| Murtha | Sanders | Watt |
| Nadler | Sandlin | Weiner |
| Napolitano | Schakowsky | Woolsey |
| Neal (MA) | Schiff | Wu |
| Obey | Scott (GA) | Wynn |

NOT VOTING—71

| | | |
|-----------------|---------------|----------------|
| Ackerman | Gephardt | Miller, George |
| Barton (TX) | Gerlach | Norwood |
| Bell | Gillmor | Oberstar |
| Bishop (NY) | Goode | Otter |
| Blumenauer | Green (TX) | Owens |
| Bono | Hastings (FL) | Paul |
| Brown, Corrine | Herger | Pitts |
| Burton (IN) | Hinchey | Platts |
| Carson (IN) | Hinojosa | Quinn |
| Case | Isakson | Reyes |
| Clay | Jefferson | Reynolds |
| Collins | John | Rohrabacher |
| Cox | Johnson, Sam | Ros-Lehtinen |
| Culberson | Jones (OH) | Sullivan |
| Cummings | Klecicka | Sweeney |
| Deal (GA) | LaHood | Tanner |
| Delahunt | Larsen (WA) | Tauzin |
| Diaz-Balart, L. | Lee | Turner (TX) |
| Dooley (CA) | Linder | Waters |
| Dunn | Lipinski | Watson |
| Engel | Majette | Waxman |
| English | McIntyre | Wexler |
| Fattah | McKeon | Young (AK) |
| Flake | Meeks (NY) | |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

PARLIAMENTARY INQUIRIES

Mr. MCGOVERN (during the vote). Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MCGOVERN. I would like to ask the Speaker how long he is going to keep this roll call open.

The SPEAKER pro tempore. The rules of the House provide for a minimum duration of 15 minutes.

The Chair would also advise the gentleman that at the moment, because this is the first vote of the day, the Chair is attempting to afford courtesy to Members. The Chair will continue to exercise its discretion and will let the Members know.

Mr. FRANK of Massachusetts. Mr. Speaker, I have a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. FRANK of Massachusetts. Mr. Speaker, I appreciate the fact that the Speaker is offering this courtesy to Members in keeping the roll call open, but there will be no need to keep it open for too long because I assume the Speaker is aware that this time you are winning.

The SPEAKER pro tempore. The gentleman has failed to state a parliamentary inquiry.

□ 1008

Messrs. CARDOZA, MILLER of North Carolina, DOGGETT, GORDON, STARK and FORD changed their vote from "yea" to "nay."

Ms. HARRIS, Mrs. MYRICK, and Messrs. GREEN of Wisconsin, BONNER, DEMINT, BALLENGER, BONILLA and HOBSON changed their vote from "nay" to "yea."

So the motion to table the appeal of the ruling of the Chair was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. LATOURETTE). Before the last vote, the gentleman from Massachusetts (Mr. FRANK) was under recognition. The gentleman has 3½ minutes remaining of the 4 minutes yielded to him.

Mr. MCGOVERN. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Massachusetts.

Mr. MCGOVERN. Mr. Speaker, in an attempt to avoid today the travesty which occurred on the House floor yesterday, I am going to urge my colleagues at the end of this debate on the rule to vote no on the previous question so that I will be able to offer an amendment that will state very simply that during consideration of H.R. 2828, a record vote by electronic device shall not be held open for the sole purpose of reversing the outcome of a vote.

So I will urge my colleagues to vote no on the previous question.

Mr. FRANK of Massachusetts. Mr. Speaker, reclaiming my time, I thank the gentleman from Massachusetts.

Mr. Speaker, it is now very clear we are talking here about whether or not we should keep open this rule to amendment, and the amendment that the gentleman from Massachusetts will offer will be to prevent keeping open the roll call for the purpose of manipulation.

Now, I was talking about that before, and I was told I was out of order. It is an interesting sequence. Yesterday, many of us thought we were changing a provision of the PATRIOT Act, which we find to be insufficiently cognizant of democratic values, and the majority then used what many of us believed to be very undemocratic procedures to prevent us from dealing with an undemocratic provision. And today, to complete the trifecta of disrespect for democracy, I was silenced when I tried to talk about, in an open forum, the undemocratic approach to yesterday's democracy.

Now, I know one of the things we are trying to do is to instruct the people of Iraq, to help the people of Iraq understand democracy. We want them to be open. We want them to fully engage debate, not to suppress dissension. And the only thing I can say is this, Mr.

Speaker, and I know we are not supposed to address the television audience, so I address this to you.

I hope you will convey to any Iraqis who might be watching the proceedings of this House on television with regard to democracy, if they see what we are doing, please do not try this at home.

Now, let me explain why we are upset about the delay. It is not simply "the delay." Delay is not bad. We will have a chance today to show, in fact, that we are prepared to delay things as well. The question is what happens during the delay.

The purpose of delaying a roll call, the reason the gentleman from Massachusetts (Mr. MCGOVERN) will offer this amendment, is to preserve the integrity of the House, because here is what happens. We have a roll call and Members vote, and Members will have, in some cases, said to their constituents, I support this position and I will vote that way.

Then the vote tally is taken, and when the vote tally is taken, it turns out that the Republican side has lost. Then the roll call is held open, and that is why we want to prevent the re-occurrence and why we will be offering this amendment if the previous question is defeated.

What happens then is this: The roll call is held open indefinitely so that Members who have told people in their districts they will vote one way can be pressured into voting another way. That is the purpose of holding the roll call open, to orchestrate a scheme by which the voters are misled; to orchestrate a scheme in which people can take a certain position, with the silent footnote that that position that they are taking will hold only so long as it does not prevail. But if it looks as if what they have told their constituents will prevail, they are prepared under the pressure from their leadership to abandon it.

So we are not simply talking about the convenience of the House, we are talking about the integrity of the democratic process, because the sole purpose of that sort of delay, we are not trying to accommodate people just so they can vote, this is a very particular form of delay. It is a "DeLay-delay." And this kind of "delay squared," carried out at the behest of the majority leader, is to allow Members of the Republican leadership to press members of the Republican Party who have voted one way to now abandon that position lest the way they voted prevail. And the only reason for that, as I said, is to perpetuate misinformation. So let us not have this situation.

By the way, there is one other thing the voters ought to understand, Mr. Speaker. What we used to have in this Congress was individual Members voting, they consulted with their party leadership and then they voted.

What has become clear now, and it was clear in the Medicare prescription drug bill, it is clear with the PATRIOT

Act, it is now clear the Republican leadership is not prepared to allow its Members to vote contrary to the Republican leadership position if it will prevail. Republicans are allowed by their leadership the freedom of their conscience, as long as it is not operative. But if, in fact, there is any danger that what they say they are for will, in fact, reach fruition, the rug is yanked out from under them and they have to change their position.

What it means is people should understand, come election, no matter who they think they are voting for, they are voting for the Republican leadership, because the Republican leadership is prepared to change the spirits of these rules, to hold roll calls open indefinitely, as long as it takes to pressure Republican Members who have voted one way, presumably having told people in their districts they will vote that way, to switch their votes.

The sole purpose of these open roll calls is to allow deception, to undermine democracy.

I hope that we vote down the previous question, that the gentleman's amendment is adopted, and that we restore the principle of intellectual honesty and integrity and democracy to this House.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 3½ minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, I rise in opposition to the previous question in order to consider the McGovern amendment, and I do so because I think the question before this House really is under what set of rules are we operating?

We say we have the Jefferson book, and we bring it out here and it is a foot thick, of all the rules this place runs under. But the leadership on the other side operates on another set of rules called the King George II rules. Those rules have made it possible for the President of the United States to serve for 3½ years without using his veto pen on one single occasion.

The White House sends down the message to the gentleman from Texas (Mr. DELAY) and says this is what I want, and the gentleman from Texas (Mr. DELAY) says yes, sir, and comes out on the floor, and if it is not coming out that way, we switch from the House rules to the King George II rules.

Now, you might say yesterday was an anomaly. No, this is just a little blip in the curve. We all remember fast track. Fast track came out here and it got to a point where it had lost; and the word came from the White House, and, lo and behold, some arms were broken, there were bodies down here in the well, and suddenly we had four or five votes from the Carolinas and other places that suddenly changed that vote.

Then we came to Medicare and we see that this is a bill that came out here,

and it lost, it was going to lose. And the message came from the White House, keep that vote open. They sent Mr. Thompson over from HHS, they sent everybody in sight over here to walk around on this floor to make sure that that vote came out under the King George II rules.

□ 1015

Yesterday, we have the President of the United States, we have the Attorney General going nationwide, trying to pump up people to believe that the PATRIOT Act is the best thing since sliced bread. But on a bipartisan basis on this floor, we turned it down. We said, we need to tighten it up. We opened it too much when it was passed some months ago. But the King George rules turned on and said no, no, you are not changing one word. You are not going to change one word. When we send something over there to you guys, you remember how the PATRIOT Act came to be. It was worked out in committee. It was a vote, bipartisan effort, it came out of the Committee on the Judiciary; it went to the Committee on Rules and the King George rules came into play: throw that in the wastebasket. Here is the bill that we will print tonight and tomorrow morning you will vote on. Very few of us knew the details of that bill. Having seen it in action, we now want to change some of it. That is the democratic process. But the King George rules are meant to shut down debate, to shut down dissent.

What would this body be if suddenly people from all over the country; in this legislative body, the first part of the Constitution, article I, says we are the ones who are supposed to decide the policy in this country. Yet, when we come to a decision, suddenly a phone call from the White House and bingo, it turns over. The gentleman from Texas (Mr. DELAY) is not a free man. I do not think he is a bad guy. I think he is doing what he is told. This is a one-party government that is trying to stop dissent, and we need to resist that. We need to vote for the McGovern amendment.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Speaker, I rise in opposition to the previous question so that we may consider and support the McGovern amendment.

What happened here yesterday was not an affront to the members of the minority. It was not even an affront to the 140 million people that we represent. It was an affront to the tradition of this institution that says that rules should reign over personal agendas.

We all come here believing passionately in the rightness of our cause, and we fight passionately for victory for our causes. But we have learned that

when we lose that fight, the right result is to come back tomorrow and fight again. When you lose, Mr. Speaker, the right result is not to wait until you can win by manipulating the rules. That is just plain wrong. And it has become a malignant practice here in this House.

When we considered the Medicare legislation, probably the most important legislation this Congress will consider, the vote was held open for more than 3 hours because the majority lost the vote. And during those 3 hours, the majority took advantage of whatever leverage it had, and some of that leverage is now the subject of an investigation by the Committee on Standards of Official Conduct. It took advantage of every piece of leverage it had to alter the outcome of the vote.

Yesterday, on a very significant vote regarding the civil liberties of the people of this country who go to a library or a bookstore, the majority lost the vote and was unwilling to settle for that response.

We have a tradition in this institution and in this country. You fight fiercely for the things in which you believe; but when you lose, you lose, and the remedy is to come back tomorrow and fight again. The remedy is not to bend and subvert the rules so that you do not lose.

Our party lost the majority in this House a decade ago because there was a perception that we had subverted some of those rules. You, my friends in the majority, are in danger not only of losing your majority, but you are in danger of jeopardizing something far more important, and that is a basic understanding in this country that we all play under the rules.

Do not sacrifice the integrity of this institution again for some short-term, hallow political victory.

Vote against the previous question and adopt the McGovern amendment.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for yielding me this time, and I rise to oppose the previous question so that the McGovern amendment might be considered.

I want to join in the plea of the gentleman from New Jersey for civility and responsibility in this body. I could not think of a better document to bring to this floor than to refer my colleagues to the opening language of the Constitution where it states: "We, the people of the United States, in order to form a more perfect union, establish justice and secure the blessings of liberty to ourselves and our posterity."

Tragically, yesterday, my good friends on the other side of the aisle, and I do call them good friends because I would hope that they would take an oath of office to do what is right for the American people, began to utilize their majority in the context of tyranny. They began to reemphasize the

very reason why this Union was formed, and that is to eliminate persecution. What they did yesterday is they persecuted the issues of liberty, because they denied the majority vote the right to prevail.

We prevailed yesterday in a bipartisan vote. That vote established the conscience of this Congress as it relates to the protection of civil liberties. What better stand than to take a bipartisan stand on the question of protecting all of these people who are here, their civil liberties, so that when a mother takes a child to the library, or a father takes a child to the library, they do not have to be intimidated by the law enforcement offices of this Nation. What a tragedy that this side disallowed the posterity of liberty, the liberty that we are blessed with. How they ignored it yesterday by refusing to allow an amendment that would protect our liberties and to stand united for civil liberties in a bipartisan way. What a tragedy that reflected on this body in the worst of ways.

Might I say, even with the pronouncement yesterday by Secretary Ridge, which many of us wonder in its substance and its timing, and as a member of the Committee on Homeland Security, I do not take lightly the protection of this homeland, but I also hope that the executive does not take lightly the protection of our Constitution and our civil liberties.

But, Mr. Speaker, let me tell my colleagues what else yesterday reminded me of: the sad day in November 2000 when an election was lost, not by the people of the United States, because they voted in the majority for a candidate that would have assumed the Presidency of the United States, but it was because we lost votes that could not be found and, ultimately, a decision was made in the judiciary and not by the people of the United States of America.

Yesterday, the people voted and won but the majority denied that vote. I ask that we defeat and oppose the previous question so that the McGovern amendment can be heard, Mr. Speaker, so that the people can speak again on the floor of the House of the United States of America.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I rise in support of the McGovern amendment and in opposition to the pending motion to support the McGovern amendment.

Let us remind ourselves what the McGovern amendment says. If we defeat the previous question, we will be able to consider this amendment, and all the amendment says is that a record vote by electronic device shall not be held open for the sole purpose of reversing the outcome of a vote. Since the majority party here rigged the vote yesterday, rigged the vote for Medicare in November, they are afraid to vote on this amendment, because they want to

have the ability to continue to rig the votes.

Let us understand what this really means. A Republican senior leadership aide is quoted in this morning's Congress Daily as saying, a senior GOP aide said, "It was important to defeat the amendment. It is not normal to hold a vote open, but it is not that unusual either. It happens."

In other words, whenever it is necessary to defeat the amendment or the vote, we will hold the vote open. What does that mean? It means that if you can hold the vote open for as long as necessary to twist arms for days, if necessary, then whoever holds the gavel can never lose the vote. It means it does not matter who the people elect and send here. It does not matter the convictions of people here. All that matters is who holds the gavel. Because if they can keep the vote open forever until the vote goes right, the majority party can never lose the votes. That means there is no democracy in the House.

So what we are discussing now is are we going to have democracy in the House, are we going to have a democratic form of government in this country. Because what the Republicans have done by showing a willingness to hold the vote open for 3 hours last November, for 38 minutes yesterday, for 2 days next week, who knows, is when a vote matters, they will not lose it no matter what the votes, because democracy does not matter.

For that alone, for destroying democracy in the House, for not being ashamed of it, this party ought to hang its head in shame and ought to surrender in November the right to govern this House until it learns how to be a party in a democracy again.

Mr. MCGOVERN. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, early on after 9/11, it was said that this country was attacked by terrorists because the terrorists hated our freedom and hated our democracy.

What is it about our freedoms and our democracy that the Republican leadership does not like? What is it about the concept of majority rule that the Republican leadership does not like? What is it about the idea of a free and open debate that the Republican leadership does not like? What is it about the fact that if you can put together a bipartisan coalition to win a point, to win an amendment, to defeat a bill or to pass a bill, if it is not consistent with the Republican leadership, they get to then overturn it, they get to nullify the majority? They get to nullify the actions, as they did yesterday when the time came to end the vote; they nullified the actions of over half of the people in the country of the United States of America because their representatives voted to amend the PATRIOT Act. But that is not what the Republican leadership wanted, so they simply held the vote open until

they could nullify the will of the majority in this country.

If the Republican leadership stays at it long enough, there will not be any freedoms. There will not be any democracy for the terrorists to hate, because the Republican leadership in this House is doing an incredible job of destroying the history of this House, the history of open debate, the history of the majority prevailing, while protecting the minority.

This Republican leadership, the White House, and so many people, say we have to go and deliver democracy to Iraq, to Iran, to Uzbekistan, Afghanistan, Pakistan. What about a little democracy on the floor of the House of Representatives of the United States of America? What about a little respect for democracy here? What about a little respect for the Rules of the House? What about a little respect for the rights of the majority to prevail on a vote? What about respect for the right of the minority to raise the point to offer an amendment? If you have a good amendment and they think you will prevail on the floor, you will get enough Republicans and Democrats to vote for that amendment, the Committee on Rules will not allow it in order.

□ 1030

If you sneak one by them and the majority surprises them and you win a vote on the floor of the House of Representatives, they take that vote away from you.

This is not what democracy is about. This is not what freedoms are about. This is not what people think they are dying for around the world. This is not what they pursue when they pursue the hope of America, they have seen that beacon of liberty, that Statue of Liberty. Do they really think that when they are all done, they get the dictatorship of the Republican majority to shut down democracy?

Would that be worth dying for? Would that be worth putting your life on the line for? Would that be worth to sacrifice when people take to streets all over the world so that they can become like America only to be tricked and find out that in America, in the House of Representatives, the Republican dictatorship has shut down that democracy, has shut down that freedom. And when the majority in this country through their representatives suggest that they want to make sure that their freedoms and their rights were protected in the PATRIOT Act, the dictatorship of the Republican majority said no. A majority vote on protecting the rights and the freedoms that are so fundamental to the heritage, to the culture, to the history, to the future of this country. A majority vote was nullified by the Republican dictatorship.

It is a sad, sad day for democracy in the House of Representatives, the people's House of the United States of America.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Massachusetts (Mr. MCGOVERN) has 1½ minutes remaining.

Mr. MCGOVERN. Mr. Speaker, I just want to inquire of the gentleman from Washington (Mr. HASTINGS), I will be closing on my side.

Mr. HASTINGS of Washington. The distinguished chairman of the Committee on Rules will close on our side, so if the gentleman would like to close.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the sad reality is that there are no rules in this House of Representatives. Tradition and procedures of this House are routinely ignored. Members will be treated with disrespect, members even on the Republican side. This Republican leadership has diminished the people's House. It is shameful.

I appeal to Members on the Republican side to stand up to the bullying of their own leadership. This trampling of the rules and traditions of this House is not an isolated problem. It happens every day. And the only way it will stop is for good people to stand up and to say enough is enough.

I am urging Members to vote no on the previous question so I can offer an amendment which says simply that during the consideration of H.R. 2828, a record vote by electronic device shall not be held up for the sole purpose of reversing the outcome of a vote. That is all it says. How can you be against that?

I urge Members to vote no on the previous question. Vote yes on my amendment to stand up with us for what is right. We know what happened yesterday was wrong. Show some guts.

Mr. Speaker, I ask unanimous consent that the text of the amendment be printed in the RECORD immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

MOTION TO ADJOURN

Mr. MCGOVERN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Massachusetts (Mr. MCGOVERN).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 54, nays 334, not voting 46, as follows:

[Roll No. 349]

YEAS—54

Alexander
Allen
Baldwin
Berman
Capuano
Clyburn
Conyers
Crowley
Davis (FL)
Davis (IL)
Dingell
Doggett
Emanuel
Evans
Farr
Filner
Ford
Frank (MA)
Grijalva

Gutierrez
Honda
Jackson-Lee
(TX)
Jefferson
Johnson, E. B.
Lantos
Larson (CT)
Lewis (GA)
Lofgren
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
Millender-
McDonald
Miller (NC)
Neal (MA)
Owens

Pelosi
Pomeroy
Rothman
Sánchez, Linda
T.
Sanders
Schakowsky
Shimkus
Snyder
Solis
Spratt
Stark
Stupak
Tierney
Townes
Udall (CO)
Velázquez
Watson
Woolsey

NAYS—334

Abercrombie
Aderholt
Akin
Andrews
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite,
Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocoba
Coble
Cole
Cooper
Costello
Cramer
Crane
Crenshaw
Cubin
Cunningham
Davis (AL)
Davis (CA)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
DeLauro

DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Eshoo
Etheridge
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jenkins

Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klecza
Kline
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
McCollum
McCotter
McCrery
McDermott
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Nunes

Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascarell
Pastor
Payne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher

Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabó
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Stenholm

Strickland
Sullivan
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (FL)

NOT VOTING—46

Ackerman
Baird
Bell
Bishop (NY)
Blumenauer
Boyd
Brown, Corrine
Carson (IN)
Clay
Collins
Cox
Culberson
Cummings
Deal (GA)
DeLaunt
Engel

Fattah
Fossella
Gephardt
Gerlach
Green (TX)
Hastings (FL)
Hinchey
Isakson
John
Jones (OH)
LaHood
Lee
Lipinski
Majette
Meeks (NY)
Norwood

Nussle
Paul
Pitts
Platts
Quinn
Reyes
Sweeney
Tanner
Tauzin
Turner (TX)
Waters
Waxman
Wexler
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1058

Mr. HEFLEY, Mr. VITTER and Ms. ROYBAL-ALLARD changed their vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 2828, WATER SUPPLY, RELIABILITY, AND ENVIRONMENTAL IMPROVEMENT ACT

The SPEAKER pro tempore. The Chair would advise that the gentleman from Massachusetts (Mr. MCGOVERN) has 30 seconds remaining. The gentleman from Washington (Mr. HASTINGS) has 23½ minutes remaining.

Mr. MCGOVERN. Mr. Speaker, if I could ask my colleague from Washington, does he have only one speaker to close?

Mr. HASTINGS of Washington. I have one speaker left. So if the gentleman is prepared to close, I am.

Mr. MCGOVERN. Mr. Speaker, I yield myself the remaining time.

Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Oliver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sanders
Santlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)

Udall (CO)
Udall (NM)
Van Hollen
Velázquez

Visclosky
Waters
Watson
Watt

Weiner
Woolsey
Wu
Wynn

Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling

McHugh
McInnis
McKeon
Menendez
Mica
Millender-

Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)

Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)

Van Hollen
Velázquez
Visclosky
Waters
Watson

Watt
Weiner
Woolsey
Wu
Wynn

NOT VOTING—38

Ackerman
Bell
Bishop (NY)
Blumenauer
Brown, Corrine
Cardoza
Carson (IN)
Clay
Collins
Culberson
Deal (GA)
Delahunt
Fattah

Fossella
Gephardt
Gerlach
Green (TX)
Hastings (FL)
Hinchey
Isakson
John
Jones (OH)
LaHood
Lee
Lipinski
Majette

Meeks (NY)
Norwood
Paul
Pitts
Platts
Quinn
Reyes
Sweeney
Tanner
Tauzin
Waxman
Wexler

Hergert
Hinojosa
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Issa
Istook
Jackson-Lee
(TX)

McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Nethercutt
Neugebauer

Ryun (KS)
Sanchez, Loretta
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)

Ackerman
Bell
Bishop (NY)
Blumenauer
Brown, Corrine
Carson (IN)
Clay
Collins
Culberson
Deal (GA)
Delahunt
Fattah
Gephardt

NOT VOTING—38

Gerlach
Green (TX)
Hastings (FL)
Hinchey
Isakson
John
Jones (OH)
LaHood
Lee
Lipinski
Majette
Marshall
Meeks (NY)

Norwood
Paul
Pitts
Platts
Quinn
Reyes
Simmons
Sweeney
Tanner
Tauzin
Waxman
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1121

Mr. SHUSTER changed his vote from “no” to “aye.”

So the previous question was ordered. The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FOSELLA. Mr. Speaker, on rollcall Nos. 349 and 350 I was unavoidably detained. On rollcall No. 349, a motion to adjourn. I would have voted “no.” On rollcall No. 350, ordering the previous question, I would have voted “yes.”

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 237, noes 158, not voting 38, as follows:

[Roll No. 351]

AYES—237

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggart
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite,
Ginny
Burgess

Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chocola
Coble
Cole
Costello
Cox
Crane
Crenshaw
Cubin
Cunningham
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier

Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris

Abercrombie
Allen
Andrews
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Carson (OK)
Case
Chandler
Clyburn
Conyers
Cooper
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford

NOES—158

Frank (MA)
Frost
Gordon
Grijalva
Gutierrez
Harman
Herseth
Hill
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kilpatrick
Klecza
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Maloney
Markay
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Michaud

Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Pomeroy
Price (NC)
Rangel
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda
T.
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)

So the resolution was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. Without objection, a motion to reconsider is laid on the table.

Mr. MCGOVERN. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

Mr. WICKER. Mr. Speaker, I move to reconsider the vote.

MOTION TO TABLE OFFERED BY MR. HASTINGS OF WASHINGTON

Mr. HASTINGS of Washington. Mr. Speaker, I move to lay the motion to reconsider on the table.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from Washington (Mr. HASTINGS).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX and the Chair's previous announcement, this will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 210, noes 181, answered “present” 1, not voting 41, as follows:

[Roll No. 352]

AYES—210

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggart
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite,
Ginny
Burgess

Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Cox
Crane
Crenshaw
Cubin
Cunningham
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle

Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)

Greenwood
Hall
Harris
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hyde
Issa
Istook
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McDermott
McHugh

NOES—181

Abercrombie
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (OK)
Case
Chandler
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner

Ford
Frank (MA)
Frost
Gonzalez
Gordon
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinojosa
Hoeffel
Holden
Holt
Honda
Hookey (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lowey
Lucas (KY)
Lynch
Maloney
Markay
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McIntyre
McNulty

Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancred
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)

Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky

Waters
Watson
Watt
Weiner
Woolsey
Wu
Wynn

Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes

Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hookey (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klecicka
Kline
Knollenberg
Kolbe
Kucinich
Ryan (OH)
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markay
Marshall
Matheson
McCarthy (NY)
McCollum
McCotter
McDermott
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Mica
Michaud
Millender-
McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Nethercutt
Neugebauer
Ney

Northup
Nunes
Nussle
Oberstar
Obey
Oliver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pommo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda
T.
Sanchez, Loretta
Santolin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Sullivan
Tancred
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)

ANSWERED “PRESENT”—1

Cardoza

NOT VOTING—41

Ackerman
Bell
Bishop (NY)
Blumenauer
Boozman
Carson (IN)
Clay
Collins
Culberson
Deal (GA)
Delahunt
Fattah
Gephardt
Gerlach
Green (TX)
Gutknecht
Hart
Hastings (FL)
Hinchey
Hunter
Isakson
Jenkins
John
Jones (OH)
LaHood
Lee
Lipinski
Lofgren
Majette
Meeks (NY)
Norwood
Paul
Pitts
Platts
Quinn
Reyes
Souder
Sweeney
Tausin
Waxman
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE) (during the vote). Members are advised two minutes are left in this vote.

□ 1138

So the motion to table was agreed to.
The result of the vote was announced as above recorded.

MOTION TO ADJOURN

Mr. MCGOVERN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Massachusetts (Mr. MCGOVERN).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 41, noes 353, not voting 39, as follows:

[Roll No. 353]

AYES—41

Abercrombie
Allen
Baldwin
Bishop (GA)
Capuano
Clay
Conyers
Crowley
Dingell
Filner
Ford
Grijalva
Gutierrez
Jackson-Lee
(TX)
Jefferson
Johnson, E. B.
Kilpatrick
Lantos
Larson (CT)
Lewis (GA)
Lofgren
Matsui
McCarthy (MO)
McGovern
Miller (NC)
Neal (MA)
Owens
Pastor
Payne
Rodriguez
Sanders
Schakowsky
Shimkus
Stark
Stupak
Tierney
Towns
Velázquez
Waters
Watson
Woolsey

NOES—353

Beauprez
Becerra
Bereuter
Berkley
Berman
Berry
Biggart
Billakis
Bishop (UT)
Blackburn
Blunt
Boehler
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)

| | | |
|-------------|-------------|-------------|
| Udall (CO) | Wamp | Wilson (NM) |
| Udall (NM) | Watt | Wilson (SC) |
| Upton | Weiner | Wolf |
| Van Hollen | Weldon (FL) | Wu |
| Visclosky | Weldon (PA) | Wynn |
| Vitter | Weller | Young (AK) |
| Walden (OR) | Whitfield | Young (FL) |
| Walsh | Wicker | |

NOT VOTING—39

| | | |
|-----------------|---------------|------------|
| Ackerman | Gephardt | Majette |
| Bachus | Gerlach | McCrery |
| Bell | Green (TX) | Meeks (NY) |
| Bishop (NY) | Gutknecht | Norwood |
| Blumenauer | Hastings (FL) | Paul |
| Camp | Hinchee | Pitts |
| Carson (IN) | Isakson | Platts |
| Collins | John | Quinn |
| Culberson | Johnson (CT) | Reyes |
| Deal (GA) | Jones (OH) | Sweeney |
| Delahunt | LaHood | Tauzin |
| Diaz-Balart, L. | Lee | Waxman |
| Fattah | Lipinski | Wexler |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY) (during the vote). Members are reminded to record their votes.

□ 1154

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

WATER SUPPLY, RELIABILITY, AND ENVIRONMENTAL IMPROVEMENT ACT

Mr. CALVERT. Mr. Speaker, pursuant to House Resolution 711, I call up the bill (H.R. 2828), to authorize the Secretary of the Interior to implement water supply technology and infrastructure programs aimed at increasing and diversifying domestic water resources, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 711, the bill is considered read for amendment.

The text of H.R. 2828 is as follows:

H.R. 2828

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Water Supply, Reliability, and Environmental Improvement Act”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.
- Sec. 4. Purposes.

TITLE I—DEPARTMENT OF INTERIOR, COMPETITIVE GRANT PROGRAM

- Sec. 101. General authority.
- Sec. 102. Authority to study, plan, design, and construct.
- Sec. 103. Criteria for grants.
- Sec. 104. Annual report.
- Sec. 105. Authorization of appropriations.
- Sec. 106. Limitation on eligibility for funding.

TITLE II—CALIFORNIA WATER SECURITY AND ENVIRONMENTAL ENHANCEMENT ACT

- Sec. 201. CALFED Bay-Delta Program.
- Sec. 202. Management.
- Sec. 203. Implementation schedule report.
- Sec. 204. Authorization of appropriations.

- Sec. 205. Federal share of costs.
- Sec. 206. Use of existing authorities and funds.
- Sec. 207. Compliance with State and Federal law.

TITLE III—SALTON SEA

- Sec. 301. Funding to address Salton Sea.

TITLE IV—ESTABLISHMENT OF CENTRALIZED REGULATORY OFFICE

- Sec. 401. Establishment of office.
- Sec. 402. Acceptance and expenditure of contributions.

TITLE V—RURAL WATER SUPPLY PROGRAM

- Sec. 501. Rural water supply program.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) BAY-DELTA SOLUTION AREA.—The term “Bay-Delta solution area” means the Bay-Delta watershed and the San Francisco Bay/Sacramento-San Joaquin Delta Estuary, California, and the areas in which diverted/exported water is used.

(2) BAY-DELTA WATERSHED.—The term “Bay-Delta watershed” means the Sacramento River-San Joaquin River Delta, and the rivers and watersheds that are tributary to that delta.

(3) CALFED BAY-DELTA PROGRAM.—The term “CALFED Bay-Delta Program” means the programs, projects, complementary actions, and activities undertaken through coordinated planning, implementation, and assessment activities of the State and Federal agencies in a manner consistent with the Objectives and Solution Principles of the CALFED Bay-Delta Program as stated in the Record of Decision.

(4) CONGRESSIONAL AUTHORIZING COMMITTEES.—The term “congressional authorizing committees” means the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(5) COMMISSIONER.—The term “commissioner” means the Commissioner of the Bureau of Reclamation.

(6) ENVIRONMENTAL WATER ACCOUNT.—The term “Environmental Water Account” means the water account established by the Federal agencies and State agencies pursuant to the Record of Decision to reduce incidental take and provide a mechanism for recovery of species.

(7) FEDERAL AGENCIES.—The term “Federal agencies” means the Federal agencies that are signatories to Attachment 3 of the Record of Decision.

(8) GOVERNOR.—The term “Governor” means the Governor of the State of California.

(9) IMPLEMENTATION MEMORANDUM.—The term “Implementation Memorandum” means the Calfed Bay-Delta Program Implementation Memorandum of Understanding dated August 28, 2000, executed by the Federal agencies and the State agencies, as such record of decision may be adapted or modified by the Secretary in accordance with applicable law.

(10) RECLAMATION STATES.—The term “Reclamation States” means the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wyoming, and Texas.

(11) RECORD OF DECISION.—The term “Record of Decision” means the Federal programmatic Record of Decision dated August 28, 2000, issued by the Federal agencies and supported by the State.

(12) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(13) STATE.—The term “State” means the State of California.

(14) STATE AGENCIES.—The term “State agencies” means the California State agencies that are signatories to Attachment 3 of the Record of Decision.

(15) WATER RESOURCE AGENCIES.—The term “Water resource agencies” means the Federal agencies that are signatories to Attachment 3 of the Record of Decision.

(16) WATER SUPPLY.—The term “water supply” means a quantity of water that is developed or derived from—

- (A) increased water yield;
- (B) recycling existing sources;
- (C) desalination of seawater or brackish water;
- (D) surface or ground water storage;
- (E) conservation; or
- (F) other actions or water management tools that improve the availability and reliability of water supplies for beneficial uses in all water year types, including critically dry years.

(17) WATER YIELD.—The term “water yield” means a new quantity of water in storage that is reliably available in critically dry years for beneficial uses.

SEC. 4. PURPOSES.

The purposes of this Act are as follows:

(1) To enhance and improve water supply, water yield, and water reliability coordinated through the Secretary, in cooperation, and consultation with Water Resource Agencies.

(2) To foster and promote the development of supplemental and new water supplies, coordinated through the Secretary, in consultation and coordination with the Water Resource Agencies, through water reuse and salinity management.

(3) To establish a competitive, performance-based program, coordinated through the Secretary, in consultation and coordination with the Water Resource Agencies, to provide financial incentives to entities to develop demonstration projects designed to treat seawater and brackish water, wastewater and impaired ground water.

(4) To establish an office, in any Reclamation State requesting such an office, for the use of all Federal and State agencies that will be involved in issuing permits and conducting environmental reviews for water supply, water supply capital improvement projects, levee maintenance, and delivery systems in any Reclamation State requesting such an office.

(5) To provide assistance to States, municipalities, other local governmental agencies (including soil and water conservation districts) and investor-owned utilities that provide municipal water supply service pursuant to State law in the design and construction of projects to desalinate seawater and put to beneficial use impaired ground water and brackish water.

(6) To implement and abide by the 4 primary objectives and solution principles set forth in the CALFED Bay-Delta Program. To authorize funding and coordinate sustained funding sources, through the Secretary, for the implementation of a comprehensive program to achieve increased water yield and water supply, improved water quality, and enhanced environmental benefits as well as improved water system reliability, water use efficiency, watershed management, water transfers, and levee protection.

(7) To implement other related provisions to improve water supply and yield.

TITLE I—DEPARTMENT OF INTERIOR, COMPETITIVE GRANT PROGRAM

SEC. 101. GENERAL AUTHORITY.

(a) ESTABLISHMENT OF A WATER RESOURCES COORDINATION OFFICE.—There shall be established within the Office of the Secretary the

Office of the Federal Water Resources Coordinator (referred to in this title as the "Coordinator") who shall be responsible for coordinating the Water Resource Agencies activities addressing water desalination (including sea and brackish water), impaired ground water, brine removal, and water reuse projects and activities authorized under this title.

(b) **SECRETARIAL RESPONSIBILITY.**—The Secretary, through the Coordinator, shall carry out the responsibilities, as specifically identified as a responsibility of the Coordinator under this title, and may not delegate these responsibilities to the Water Resource Agencies. The Coordinator at its sole option may use the services of the Water Resource Agencies on any project deemed necessary.

(c) **ASSESSMENT OF EXISTING FEDERAL AUTHORITIES.**—The Secretary, through the Coordinator and in consultation with the Water Resource agencies, shall develop and transmit to Congress no later than 60 days after enactment of this Act, an assessment report that identifies the following:

(1) A list of authorities, including mandatory and discretionary trust funds, other than those under this title, to undertake activities under section 102.

(2) A list of all Water Resource Agencies expenditures since fiscal year 1998 undertaken for projects and activities related to this title.

(3) A plan of Water Resource Agencies coordination to meet the criteria, and guidelines as determined under this title.

(4) A detailed/coordinated Water Resource Agencies budget review document, including outyears funding requirements.

(5) Recommendations for alternative financing mechanisms.

(d) **ESTABLISHMENT OF GUIDELINES FOR ACTIVITIES UNDERTAKEN BY THE COORDINATOR.**—

(1) **RULES AND GUIDELINES.**—In carrying out activities under this title the Secretary, acting through the Coordinator, in coordination with the Water Resource Agencies, shall issue rules and guidelines for the submission of selection, solicitation, and timelines of eligible projects and activities seeking grants assistance to analyze, plan, develop and construct, including but not limited to, the following:

(A) Sea and brackish water desalination projects, including analysis and technology development, reclamation of wastewater, and impaired ground and surface waters.

(B) Brine management and disposal, including analysis and technology development. Such analysis shall include, but not be limited to, the effects of concentrate disposal and possible mitigation measures.

(C) Water reuse, including, but not limited to, techniques for cleanup and treatment of ground water contamination, especially ground water basins that are the primary source of drinking water supplies.

(2) **EQUITABLE SELECTION.**—The Secretary shall ensure the rules and guidelines provide for the equitable selection, to the maximum extent practicable, of projects and distribution of grants among the eligible activities identified under this section.

(3) **TIMEFRAME.**—Such rules and guidelines shall be issued not later than 90 days after the date of the enactment of this Act.

(e) **AGENCY PARTICIPATION.**—The Coordinator, in consultation with the Water Resource Agencies, shall—

(1) determine available and appropriate accounts, both mandatory and permanent, including Federal trust funds; and

(2) direct the Federal agency heads to spend authorized funds, if available within their agency, based on their proportional Federal interest.

SEC. 102. AUTHORITY TO STUDY, PLAN, DESIGN, AND CONSTRUCT.

(a) **IN GENERAL.**—The Secretary, through the Coordinator, in cooperation and consultation with the Water Resource Agencies, shall undertake a competitive grant program—

(1) to investigate and identify opportunities for the study, plan, and design of activities under this title; and

(2) to construct demonstration and permanent facilities, or the implementation of other programs and activities, to meet the criteria under this title.

(b) **CONDITIONS.**—No grant may be made under this title for the design and construction of any project until after—

(1) an appraisal investigation and a feasibility study (which may be performed, if applicable, by the non-Federal sponsor and submitted to the Secretary, through the Coordinator, for review) have been completed and approved by the Secretary, through the Coordinator;

(2) the Secretary, through the Coordinator, has determined that, if applicable, the non-Federal project sponsor has the financial resources available to fund the non-Federal share of the project's costs; and

(3) the Secretary, through the Coordinator, has approved, if applicable, a cost-sharing agreement with the non-Federal project sponsor that commits the non-Federal project sponsor to funding its share of the project's construction costs on an annual basis, and ongoing operations and maintenance.

SEC. 103. CRITERIA FOR GRANTS.

In making grants pursuant to this title, the Secretary, acting through the Coordinator shall give priority to those projects which meet at least one of the following criteria:

(1) The requirements of the Secretary, as applicable, and any applicable State requirements.

(2) Is agreed to by the Federal and non-Federal entities with authority and responsibility for the project.

(3) Increase water supply yield.

(4) Improve water use efficiency and water conservation.

(5) Reduce or stabilize demand on existing Federal and State water supply facilities.

(6) Improve water quality.

(7) Employ innovative approaches, including but not limited to, ground water recharge.

(8) Facilitate the transfer and adoption of technology.

(9) Employ regional solutions that increase the availability of locally and regionally developed water supplies.

(10) Remediate a contaminated ground water basin.

(11) Provide a secure source of new water supplies for national defense activities.

(12) Reduce the threat of a water supply disruption as a result of a natural disaster or acts of terrorism.

(13) Help Water Resource Agencies meet existing legal requirements, contractual water supply obligations, Indian trust responsibilities, water rights settlements, water quality control plans and department of health requirements, Federal and State environmental laws, the Federal Water Pollution Control Act, or other obligations.

(14) Promote and applies a regional or watershed approach to water resource management or cross-boundary issues, implements an integrated resources management approach, increases water management flexibility, or forms a partnership with other entities.

(15) Improve health and safety of the general public.

(16) Provide benefits outside the region in which the project occurs.

(17) Provide benefits to the agricultural community.

SEC. 104. ANNUAL REPORT.

The Secretary shall provide the Congress an annual report that includes the following:

(1) A list of projects, and project details, amount of past, current, and projected funding.

(2) Documentation of the accounts within the Water Resource Agencies funding.

(3) The benefits gained by projects, and to which beneficiaries and users, funded under this title.

(4) An assessment of how the project met each of the evaluation criteria under this title.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

(a) **ACTIVITIES AND PROJECTS UNDER THIS TITLE.**—

(1) **DETERMINATION OF WATER RESOURCES AGENCY PARTICIPATION.**—If existing authorities are not available to carry out activities addressed under this title, the Coordinator, in consultation with the Water Resource agencies, shall make the determination of Federal participation and Federal agency cost share.

(2) **FUNDING.**—Subject to section 105(a)(1) and section 105(b), there are authorized to be appropriated—

(A) \$50,000,000 for fiscal year 2004; and

(B) \$100,000,000 for each fiscal year thereafter.

(b) **LIMITATIONS ON GRANTS.**—

(1) **LOCATION OF PROJECT.**—Grants carried out by the Secretary, through the Coordinator, may be carried out through the 50 States.

(2) **PER STATE LIMIT.**—Except as provided in under this section, of the amount available in a fiscal year for grants under this title, not more than 30 percent may be used for projects in a single State.

(c) **COST SHARING.**—Except as provided under this section, and notwithstanding any other provision of this title, Grants for projects receiving Federal assistance under this title shall not exceed the lesser of \$50,000,000 (indexed annually for inflation) or 35 percent of the total cost of the project.

SEC. 106. LIMITATION ON ELIGIBILITY FOR FUNDING.

A project that receives funds under this Act shall be ineligible to receive Federal funds from any other source for the same purpose unless such funds are provided to ensure compliance with a Federal mandate.

TITLE II—CALIFORNIA WATER SECURITY AND ENVIRONMENTAL ENHANCEMENT ACT

SEC. 201. CALFED BAY-DELTA PROGRAM.

(a) **FINDINGS.**—Congress finds as follows:

(1) The mission of the CALFED Bay-Delta Program is to develop and implement a long-term comprehensive plan that will increase water supply and yield, improve water management, and restore the ecological health of the Bay-Delta solution area.

(2) The CALFED Bay-Delta Program was developed as a joint Federal-State program to deal effectively with the multijurisdictional issues involved in managing the Bay-Delta Watershed.

(b) **IN GENERAL.**—

(1) **AUTHORIZATION.**—The Federal agencies, in consultation with State agencies, are authorized to participate in the CALFED Bay-Delta Program, in accordance with this title, and consistent with the Objectives and Solution Principles set forth in the Record of Decision.

(2) **GOALS.**—The goals of the CALFED Bay-Delta Program shall consist of components that include water supply and yield, ecosystem restoration, water supply reliability,

conveyance, water use efficiency, water quality, water transfers, watersheds, Environmental Water Account, levee stability, and science.

(3) **BALANCE.**—CALFED Bay-Delta Program activities consisting of protecting water quality, including but not limited to, drinking water quality, restoring ecological health, improving water supply reliability, including additional water supply and water yield and conveyance, and protecting levees in the Bay-Delta watershed, shall progress in a balanced manner.

(c) **ADMINISTRATION OF ACTIVITIES.**—

(1) **IN GENERAL.**—The Secretary and the heads of the Federal agencies are authorized to carry out the activities described in this title, subject to the cost-share and other provisions of this title, if the activity—

(A) has been subject to environmental review and approval as required under applicable Federal and State law; and

(B) has been approved and certified by the Secretary to be consistent with the Objectives and Solution Principles of the CALFED Bay-Delta Program as stated in Record of Decision.

(2) **MULTIPLE BENEFIT PROJECTS FAVORED.**—The Secretary and Federal agencies are authorized to carry out the activities set forth in this title. In selecting projects and programs for increasing water yield and water supply, improving water quality, and enhancing environmental benefits, projects and programs with multiple benefits shall be emphasized.

(3) **ELEMENTS REGULATED.**—To the extent that CALFED Bay-Delta Program projects and elements are subject to regulation under section 404 of the Clean Water Act, the United States Army Corps of Engineers and the United States Environmental Protection Agency shall not consider, as alternatives to projects that are elements of the overall CALFED Bay-Delta Program, programs, projects, or actions beyond those described in the Record of Decision, nor shall they favor one CALFED Bay-Delta Program project or element over another.

(4) **BALANCE.**—The Secretary shall ensure that all elements of the CALFED Bay-Delta Program need to be completed and operated cooperatively to maintain the balanced progress in all CALFED Bay-Delta Program areas.

(d) **PROGRAM ACTIVITIES.**—

(1) **WATER STORAGE.**—Except as provided by section 207(b), the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$102,000,000 may be expended for the following:

(A) **WATER STORAGE SUPPLY AND YIELD.**—For purposes of implementing the CALFED Bay-Delta Program, the Secretary is authorized to undertake all necessary planning activities and feasibility studies required for the development of recommendations by the Secretary to Congress on the construction and implementation of specific water supply and yield, ground water management, and ground water storage projects and implementation of comprehensive water management planning. The requirements of section 9(a) of the Act of August 4, 1939 (43 U.S.C. 485h(a); 53 Stat. 1193) shall be deemed to be met through the performance of a feasibility study as authorized within this section as well as those feasibility studies authorized under the Consolidated Appropriations Resolution Fiscal Year 2003, Public Law 108-7, House Report 108-10, division D, title II, section 215.

(B) **FEASIBILITY STUDIES.**—All feasibility studies completed for storage projects as a result of this section shall include identification of project benefits and beneficiaries and a cost allocation plan consistent with the benefits to be received, for both governmental and non-governmental entities.

(C) **DISAPPROVAL RESOLUTION.**—If the Secretary determines a project to be feasible, and meets the requirements under subparagraph (B), the report shall be submitted to Congress. If Congress does not pass a disapproval resolution of the feasibility study during the first 120 days before Congress (not including days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) the project shall be authorized, subject to appropriations.

(D) **WATER SUPPLY AND WATER YIELD STUDY.**—(i) The Secretary, acting through the Bureau of Reclamation and in consultation with the State, shall conduct a study of available water supplies and water yield and existing demand and future needs for water—

(I) within the units of the Central Valley Project;

(II) within the area served by Central Valley Project agricultural water service contractors and municipal and industrial water service contractors; and

(III) within the Bay-Delta solution area.

(ii) **RELATIONSHIP TO PRIOR STUDY.**—The study under clause (i) shall incorporate and revise as necessary the study required by section 3408(j) of the Central Valley Project Improvement Act of 1992 (Public Law 102-575).

(E) **REPORT.**—The Secretary shall submit a report to the congressional authorizing committees by not later than 180 days after the date of the enactment of this title describing the following:

(i) Water yield and water supply improvements, if any, for Central Valley Project agricultural water service contractors and municipal and industrial water service contractors.

(ii) All water management actions or projects that would improve water yield or water supply and that, if taken or constructed, would balance available water supplies and existing demand for those contractors and other water users of the Bay-Delta watershed with due recognition of water right priorities and environmental needs.

(iii) The financial costs of the actions and projects described under clause (ii).

(iv) The beneficiaries of those actions and projects and an assessment of their willingness to pay the capital costs and operation and maintenance costs thereof.

(F) **OTHER ACTIVITIES.**—Studying, developing and implementing ground water management and ground water storage projects (not to exceed \$50,000,000); and

(G) **PLANNING.**—Comprehensive water management planning (not to exceed \$6,000,000).

(2) **CONVEYANCE.**—Except as provided by section 207(b), the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$77,000,000 may be expended for the following:

(A) South Delta Actions (not to exceed \$45,000,000);

(i) South Delta Improvements Program for the following:

(I) To increase the State Water Project export limit to 8500 cfs, subject to subclause (VI).

(II) To install permanent, operable barriers in the south Delta. The Federal Agencies shall cooperate with the State to accelerate installation of the permanent, operable barriers in the south Delta, with the intent to complete that installation not later than the end of fiscal year 2006.

(III) To design and construct fish screens and intake facilities at Clifton Court Forebay and the Tracy Pumping Plant facilities.

(IV) To increase the State Water Project export to the maximum capability of 10,300 cfs.

(ii) Reduction of agricultural drainage in south Delta channels and other actions necessary to minimize impacts of such drainage on water quality, including but not limited to, design and construction of the relocation of drinking water intake facilities to delta water users. The Secretary shall coordinate actions for relocating intake facilities on a time schedule consistent with subclause (i)(II).

(iii) Design and construction of lower San Joaquin River floodway improvements.

(iv) Installation and operation of temporary barriers in the south Delta until fully operable barriers are constructed.

(v) Actions to protect navigation and local diversions not adequately protected by the temporary barriers.

(vi) Actions to increase pumping shall be accomplished in a manner consistent with California law protecting:

(I) deliveries to, costs of, and water suppliers and water users, including but not limited to, agricultural users, that have historically relied on water diverted from the Delta; and

(II) the quality of water for existing municipal, industrial, and agricultural uses.

(vi) Actions at Franks Tract to improve water quality in the Delta.

(B) North Delta Actions (not to exceed \$12,000,000):

(i) Evaluation and implementation of improved operational procedures for the Delta Cross Channel to address fishery and water quality concerns.

(ii) Evaluation of a screened through-Delta facility on the Sacramento River.

(iii) Design and construction of lower Mokelumne River floodway improvements.

(C) Interties (not to exceed \$10,000,000):

(i) Evaluation and construction of an intertie between the State Water Project and the Central Valley Project facilities at or near the City of Tracy.

(ii) Assessment of the connection of the Central Valley Project to the State Water Project's Clifton Court Forebay with a corresponding increase in the Forebay's screened intake.

(D) Evaluation and implementation of the San Luis Reservoir lowpoint improvement project (not to exceed \$10,000,000).

(3) **WATER USE EFFICIENCY.**—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$153,000,000 may be expended for the following:

(A) Water conservation projects that provide water supply reliability, water quality, and ecosystem benefits to the Bay-Delta solution area (not to exceed \$61,000,000).

(B) Technical assistance for urban and agricultural water conservation projects (not to exceed \$5,000,000).

(C) Water recycling and desalination projects, including but not limited to projects identified in the Bay Area Water Recycling Plan and the Southern California Comprehensive Water Reclamation and Reuse Study (not to exceed \$84,000,000), as follows:

(i) In providing financial assistance under this clause, the Secretary shall give priority consideration to projects that include regional solutions to benefit regional water supply and reliability needs.

(ii) The Secretary shall review any feasibility level studies for seawater desalination and regional brine line projects that have been completed, whether or not those studies were prepared with financial assistance from the Secretary.

(iii) The Secretary shall report to the Congress within 90 days after the completion of

a feasibility study or the review of a feasibility study for the purposes of providing design and construction assistance for the construction of desalination and regional brine line projects.

(iv) The Federal share of the cost of any activity carried out with assistance under this clause may not exceed the lesser of 35 percent of the total cost of the activity or \$50,000,000.

(D) Water measurement and transfer actions (not to exceed \$1,500,000).

(E) Certification of implementation of best management practices for urban water conservation (not to exceed \$1,500,000).

(4) **WATER TRANSFERS.**—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$3,000,000 may be expended for the following:

(A) Increasing the availability of existing facilities for water transfers.

(B) Lowering transaction costs through permit streamlining.

(C) Maintaining a water transfer information clearinghouse.

(5) **ENVIRONMENTAL WATER ACCOUNT.**—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$75,000,000 may be expended for implementation of the Environmental Water Account.

(6) **INTEGRATED REGIONAL WATER MANAGEMENT PLANS.**—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$95,000,000 may be expended for the following:

(A) Establishing a competitive grants program to assist local and regional communities in California in developing and implementing integrated regional water management plans to carry out the Objectives and Solution Principles of the CALFED Bay-Delta Program as stated in the Record of Decision.

(B) Implementation of projects and programs in California that improve water supply reliability, water quality, ecosystem restoration, and flood protection, or meet other local and regional needs, that are consistent with, and make a significant contribution to, Stage 1 of the CALFED Bay-Delta Program.

(7) **ECOSYSTEM RESTORATION.**—(A) Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this title, no more than \$100,000,000 may be expended for projects under this subsection.

(B) The Secretary is authorized to undertake the following projects under this paragraph:

(i) Restoration of habitat in the San Francisco Bay-Delta watershed, San Pablo Bay, and Suisun Bay and Marsh, including tidal wetlands and riparian habitat.

(ii) Fish screen and fish passage improvement projects.

(iii) Implementation of an invasive species program, including prevention, control, and eradication.

(iv) Development and integration of State and Federal agricultural programs that benefit wildlife into the Ecosystem Restoration Program.

(v) Financial and technical support for locally-based collaborative programs to restore habitat while addressing the concerns of local communities.

(vi) Water quality improvement projects to manage salinity, selenium, mercury, pesticides, trace metals, dissolved oxygen, turbidity, sediment, and other pollutants.

(vii) Land and water acquisitions to improve habitat and fish spawning and survival in the Bay-Delta watershed.

(viii) Integrated flood management and levee protection projects for improving ecosystem restoration.

(ix) Scientific evaluations and targeted research on program activities, including appropriate use of adaptive management concepts.

(x) Preparation of management plans for all properties acquired, and update current management plans, prior to the purchase or any contribution to the purchase of any interest in land for ecosystem.

(xi) Strategic planning and tracking of program performance using established protocols and/or bio-indicators.

(C) Project Initiation Report for each project, describing project purpose, objective, and cost, shall be transmitted to Congress following Secretarial certification, 30 days (not including days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) prior to implementing ecosystem restoration actions as described under this paragraph. Such reports shall be required for all ecosystem projects, (including comprehensive projects that are composed of several components and are to be completed by staged implementation) exceeding \$20,000 in Federal funds. Annual ecosystem restoration project summary reports shall be submitted to Congress through the Secretary highlighting progress of the project implementation. The reports required to be submitted under this paragraph shall consider the following on each project:

(i) A description of ecological monitoring data to be collected for the restoration projects and how the data are to be integrated, streamlined, compatible, and designed to measure overall trends of ecosystem health in the Bay-Delta watershed.

(ii) Whether the restoration project has integrated monitoring plans and descriptions of protocols, or bio-indicators, to be used for gauging cost-effective performance of the project.

(iii) Whether the proposed project is a part of a larger, more comprehensive restoration project in a particular part of the solution area, and if so, how the proposed project contributes to the larger project.

(iv) A secretarial determination, or strategy, that utilizes existing Federal land, State land, or other land acquired for ecosystem restoration, with amounts provided by the United States or the State, to the extent that such lands are available within the CALFED solution area.

(v) A determination of the potential cumulative impacts, or induced damages of fee title, easement, and/or lease acquisition of land on local and regional economies, and adjacent land and landowners; and a description of how such impacts will be mitigated.

(vi) A description of actions that will be taken to mitigate any induced damages from the conversion of agriculture land including the degree to which wildlife and habitat values will increase due to the land conversion.

(D) Conditions, if applicable, for projects and activities under this paragraph are as follows:

(i) A requirement that before obligating or expending Federal funds to acquire land, the Secretary shall first determine that existing Federal land, State land, or other land acquired for ecosystem restoration with amounts provided by the United States or the State, to the extent such lands are available, is not available for that purpose. If no public land is available the Secretary, prior to any federal expenditure for private land acquisition, shall—

(I) make an accounting of all habitat types located on publicly owned land throughout the solution area;

(II) not convert prime farm land and unique farm land, to the maximum extent as practicable, as identified by local, State, or

Federal land use inventories, including the Natural Resources Conservation Service;

(III) not conflict with existing zoning for agriculture use; and

(IV) not involve other changes in existing environment due to location and nature of converting farmland to non-farmland use.

(ii) A requirement that in determining whether to acquire private land for ecosystem restoration, the Secretary shall—

(I) conduct appropriate analysis, including cost valuation to assure that private land acquisitions prioritize easements and leases over acquisition by fee title unless easements and leases are unavailable or unsuitable for the stated purposes;

(II) consider the potential cumulative impacts on the local and regional economies of transferring the property into government ownership and—

(aa) describe the actions that will be taken, to the maximum extent practicable, to mitigate any induced damages; and

(bb) determine that the land acquired will add increasing value to the purposes of ecosystem restoration;

(III) mitigate any potential induced damage, to the maximum extent practicable, of any conversion of agriculture land for ecosystem restoration due to the implementation of the CALFED Bay-Delta Program; and

(IV) partner with landowners and local agencies to develop cooperating landowner commitments that are likely to meet co-equal objectives of achieving local economic and social goals and implementing the ecosystem restoration goals.

(8) **WATERSHEDS.**—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$50,000,000 may be expended for the following:

(A) Building local capacity to assess and manage watersheds affecting the Bay-Delta solution area.

(B) Technical assistance for watershed assessments and management plans.

(C) Developing and implementing locally-based watershed conservation, maintenance, and restoration actions.

(9) **WATER QUALITY.**—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$50,000,000 may be expended for the following:

(A) Addressing drainage problems in the San Joaquin Valley to improve downstream water quality, including habitat restoration projects that reduce drainage and improve water quality, provided that—

(i) a plan is in place for monitoring downstream water quality improvements;

(ii) State and local agencies are consulted on the activities to be funded; and

(iii) this clause is not intended to create any right, benefit, or privilege.

(B) Implementing source control programs in the Bay-Delta watershed.

(C) Developing recommendations through technical panels and advisory council processes to meet the CALFED Bay-Delta Program goal of continuous improvement in water quality for all uses.

(D) Investing in treatment technology demonstration projects.

(E) Controlling runoff into the California aqueduct and other similar conveyances.

(F) Addressing water quality problems at the North Bay Aqueduct.

(G) Studying recirculation of export water to reduce salinity and improve dissolved oxygen in the San Joaquin River.

(H) Projects that may meet the Objectives and Solution Principles of the water quality component of CALFED Bay-Delta Program.

(I) Development of water quality exchanges and other programs to make high quality water available to urban areas.

(J) Development and implementation of a plan to meet all existing water quality standards for which the State and Federal water projects have responsibility.

(10) **LEEVE STABILITY.**—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$70,000,000 may be expended for the following:

(A) Assisting local reclamation districts in reconstructing Delta levees to a base level of protection not to exceed \$20,000,000.

(B) Enhancing the stability of levees that have particular importance in the system through the Delta Levee Special Improvement Projects program not to exceed \$20,000,000.

(C) Developing best management practices to control and reverse land subsidence on islands in the Bay-Delta watershed (not to exceed \$1,000,000).

(D) Refining the Delta Emergency Management Plan (not to exceed \$1,000,000).

(E) Developing a Delta Risk Management Strategy after assessing the consequences of failure levees in the Bay-Delta watershed from floods, seepage, subsidence, and earthquakes (not to exceed \$500,000).

(F) Developing a strategy for reuse of dredged materials on islands in the Bay-Delta watershed (not to exceed \$1,500,000).

(G) Evaluating and, where appropriate, rehabilitating the Suisun Marsh levees (not to exceed \$6,000,000).

(H) Integrated flood management, ecosystem restoration, and levee protection projects, including design and construction of lower San Joaquin River and lower Mokelumne River floodway improvements and other projects under the Sacramento-San Joaquin Comprehensive Study (not to exceed \$20,000,000).

(11) **MONITORING AND ANALYSIS.**—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$50,000,000 may be expended for the following:

(A) Establishing and maintaining an independent technical board, technical panels, and standing boards to provide oversight and peer review of the CALFED Bay-Delta Program.

(B) Conducting expert evaluations and scientific assessments of all CALFED Bay-Delta Program elements.

(C) Coordinating existing monitoring and scientific research programs.

(D) Developing and implementing adaptive management experiments to test, refine, and improve technical understandings.

(E) Establishing performance measures and monitoring and valuating the performance of all CALFED Bay-Delta Program elements.

(F) Preparing an annual science report.

(12) **PROGRAM MANAGEMENT, OVERSIGHT, AND COORDINATION.**—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$25,000,000 may be expended by the Secretary, in cooperation with the State, for the following:

(A) CALFED Bay-Delta Program-wide tracking of schedules, finances, and performance.

(B) Multi-agency oversight and coordination of CALFED Bay-Delta Program activities to ensure program balance and integration.

(C) Development of interagency cross-cut budgets and a comprehensive finance plan to allocate costs in accordance with the beneficiary pays provisions of the Record of Decision.

(D) Coordination of public outreach and involvement, including tribal, environmental justice, and public advisory activities under the Federal Advisory Committee Act.

(E) Development of annual reports.

(13) **DIVERSIFICATION OF WATER SUPPLIES.**—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$30,000,000 may be expended to diversify sources of level 2 refuge supplies and modes of delivery to refuges and to acquire additional water for level 4 refuge supplies.

(e) **AUTHORIZED ACTIONS.**—The Secretary and the Federal agency heads are authorized to carry out the activities authorized by this title through the use of grants, loans, contracts, and cooperative agreements with Federal and non-Federal entities where the Secretary or Federal agency head determines that the grant, loan, contract, or cooperative agreement is likely to assist in implementing the authorized activity in an efficient, timely, and cost-effective manner.

SEC. 202. MANAGEMENT.

(a) **COORDINATION.**—In carrying out the CALFED Bay-Delta Program, the Federal agencies shall coordinate, to the maximum extent practicable, their activities with the State agencies.

(b) **PUBLIC PARTICIPATION.**—In carrying out the CALFED Bay-Delta Program, the Federal agencies shall cooperate with local and tribal governments and the public through a federally chartered advisory committee or other appropriate means, to seek input on program elements such as planning, design, technical assistance, and development of peer review science programs.

(c) **OBJECTIVE REVIEW AND ANALYSIS.**—In carrying out the CALFED Bay-Delta Program, the Federal agencies shall seek to ensure, to the maximum extent practicable, that—

(1) all major aspects of implementing the CALFED Bay-Delta Program are subjected to credible and objective scientific review and economic analysis; and

(2) major decisions are based upon the best available scientific information.

(d) **AGENCIES' DISCRETION.**—This Act shall not affect the discretion of any of the Federal agencies or the State agencies or the authority granted to any of the Federal agencies or State agencies by any other Federal or State law.

(e) **STATUS REPORTS.**—The Secretary shall report, quarterly to the Congressional Committees, on the progress in achieving the water supply targets as described in Section 2.2.4 of the Record of Decision, the environmental water account requirements as described in Section 2.2.7, and the water quality targets as described in Section 2.2.9, and any pending actions that may affect the ability of the CALFED Bay-Delta Program to achieve those targets and requirements.

SEC. 203. IMPLEMENTATION SCHEDULE REPORT.

(a) The Secretary, in cooperation with the Governor, shall submit a report of the CALFED Bay-Delta Program not later than 90 days after the date of the enactment of this Act and December 15 of each year thereafter to the appropriate authorizing and appropriating Committees of the Senate and the House of Representatives that describes the status and projected implementation schedule of all components through fiscal year 2008 of the CALFED Bay-Delta Program. The Report shall contain the following:

(1) **STATEMENT OF BALANCE.**—The report shall identify the progress in each of the categories listed in paragraph (2). The Secretary, in cooperation with the Governor, shall prepare and certify a statement of whether the program is in balance taking into consideration the following:

(A) The status of all actions, including goals, schedules, and financing agreements and funding commitments.

(B) Progress on storage projects, including yield, conveyance improvements, levee im-

provements, water quality projects, and water use efficiency programs and reasons for any delays.

(C) Completion of key projects and milestones identified in the Ecosystem Restoration Program.

(D) Development and implementation of local programs for watershed conservation and restoration.

(E) Progress in improving water supply reliability and implementing the Environmental Water Account.

(F) Achievement of commitments under State and Federal endangered species laws.

(G) Implementation of a comprehensive science program.

(H) Progress toward acquisition of the State and Federal permits, including permits issued under section 404(a) of the Clean Water Act, for implementation of projects in all identified program areas.

(I) Progress in achieving benefits in all geographic regions covered by the CALFED Bay-Delta Program.

(J) Status of actions that compliment the Record of Decision.

(K) Status of mitigation measures addressed under section 201(d)(7).

(L) Revisions to funding commitments and CALFED Bay-Delta Program responsibilities.

(2) Accomplishments in the past fiscal year and year-to-date in achieving the objectives of—

(A) additional and improved water storage; including supply and yield;

(B) water quality;

(C) water use efficiency;

(D) ecosystem restoration;

(E) watershed management;

(F) levee system integrity;

(G) water transfers;

(H) water conveyance; and

(I) water supply reliability.

(3) **REVISED SCHEDULE.**—If the report and statement of balance under subsection (a) concludes that the CALFED Bay-Delta Program is not progressing in a balanced manner so that no certification of balanced implementation can be made, the Secretary, in consultation with the Governor, shall prepare a revised schedule to ensure that the CALFED Bay-Delta Program is likely to progress in a balanced manner consistent with the objectives and solution principles of the Record of Decision and in consideration of subsections (a) and (b) of this section. This revised schedule shall be subject to approval by the Secretary, in consultation with the Governor, and upon such approval shall be submitted to the appropriate authorizing and appropriating Committees of the Senate and the House of Representatives.

(b) **CROSSCUT BUDGET AND AUTHORIZATION OF APPROPRIATIONS.**—

(1) **CROSSCUT BUDGET.**—The President's Budget shall include the appropriate departmental and agency authorities, and request for the level of funding for each of the Federal agencies to carry out its responsibilities under the CALFED Bay-Delta Program. Such funds shall be requested for the Federal agency with authority and programmatic responsibility for the obligation of such funds. No later than 30 days after submission of the President's Budget to the Congress, the Director of the Office of Management and Budget shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives an updated interagency budget crosscut report, as required under Public Law 108-7.

(2) **FINANCIAL SUMMARY.**—As part of the crosscut budget submission, a financial report certified by the Secretary, and the Office of Management and Budget, containing a detailed accounting of current year, budget year and all funds received and obligated by

all Federal and State agencies responsible for implementing the CALFED Bay-Delta Program in the previous fiscal year, a budget for the proposed projects (including a description of the project, authorization level, and project status) to be carried out through fiscal year 2008 the Federal portion of funds authorized under this title, and a list of all projects to be undertaken in the upcoming fiscal year with the Federal portion of funds authorized under this title.

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary and the heads of the Federal agencies \$880,000,000 to pay the Federal share of programs and activities under this title for fiscal years 2004 through 2007, in accordance with the provisions of this title. The funds shall remain available without fiscal year limitation.

SEC. 205. FEDERAL SHARE OF COSTS.

(a) IN GENERAL.—The Federal share of the cost of implementing of the CALFED Bay-Delta Program as set forth in the Record of Decision shall not exceed 33.3 percent.

(b) CALFED BAY-DELTA PROGRAM BENEFICIARIES.—

(1) IN GENERAL.—The Secretary shall ensure that all beneficiaries, including the environment, shall pay for benefits received from all projects or activities carried out under the CALFED Bay-Delta Program. This requirement shall not be limited to storage and conveyance projects and shall be implemented so as to encourage integrated resource planning.

SEC. 206. USE OF EXISTING AUTHORITIES AND FUNDS.

(a) GENERALLY.—The heads of the Federal agencies shall use the authority under the alternative Acts identified by the Secretary to carry out the purposes of this title. Funds available under the alternative Acts shall be used before other funds made available under this title for the same activities.

(b) USE OF FUNDS.—In addition to funds authorized and appropriated for section 201(d)(1) or section 201(d)(2), the Secretary, in consultation with the heads of the Federal agencies, may use money appropriated for any activity authorized under this title for any activity authorized under section 201(d)(1) or section 201(d)(2) if the Secretary, in consultation with the heads of the Federal agencies, determines that the funds appropriated for the other activity cannot be used for that other activity. This section shall be construed to apply to funds appropriated after the date of the enactment of this Act unless the Act appropriating the funds specifically and explicitly states that this section shall not apply to those funds.

(c) USE OF UNEXPENDED BUDGET AUTHORITY.—The Secretary is authorized to utilize all unexpended budget authority under this title for any activity authorized under section 201(d)(1) or section 201(d)(2).

(d) REPORT.—Not later than 60 days after the date of the enactment of this Act and annual thereafter, the Secretary, in consultation with the heads of the Federal agencies, shall transmit to Congress a report that describes the following:

(1) A list of all existing authorities, including the authorities listed in subsection (a), under which the Secretary or the heads of the Federal agencies may carry out the purposes of this Act.

(2) A list funds authorized in the previous fiscal year for the authorities listed under paragraph (1).

(3) A list of the projects carried out with the funds listed in paragraph (2) and the amount of funds obligated and expended for each project.

SEC. 207. COMPLIANCE WITH STATE AND FEDERAL LAW.

Nothing in this Act—

(1) invalidates or preempts State water law or an interstate compact governing water;

(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water, whether determined by past or future interstate compacts or final judicial allocations;

(3) preempts or modifies any State or Federal law or interstate compact governing water quality or disposal; or

(4) confers on any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource.

TITLE III—SALTON SEA

SEC. 301. FUNDING TO ADDRESS SALTON SEA.

There is authorized to be appropriated to the Secretary \$300,000,000 for activities to address issues surrounding the Salton Sea.

TITLE IV—ESTABLISHMENT OF CENTRALIZED REGULATORY OFFICE

SEC. 401. ESTABLISHMENT OF OFFICE.

The Secretary shall establish an office, in Sacramento California, and may establish other offices in the capitol of any Reclamation State requesting such an office, for projects within their State, for the use of all Federal agencies and State agencies that are likely to be involved in issuing permits and conducting environmental reviews for water supply, water supply capital improvement projects, levee maintenance, and delivery systems in California or any Reclamation State requesting such an office.

SEC. 402. ACCEPTANCE AND EXPENDITURE OF CONTRIBUTIONS.

(a) IN GENERAL.—The Secretary may accept and expend funds contributed by non-Federal public entities to expedite the consideration of permits and the conducting of environmental reviews for all projects described in section 401 and to offset the Federal costs of processing such permits and conducting such reviews. The Secretary shall allocate funds received under this section among Federal agencies in accordance with the costs such agencies incur in processing such permits and conducting such reviews. The allocated funds shall be for reimbursements of such costs.

(b) PROTECTION OF IMPARTIAL DECISION-MAKING.—In carrying out this section, the Secretary and the heads Federal agencies receiving funds under this section shall ensure that the use of the funds accepted under this section will not impact impartial decision-making with respect to the issuance of permits or conducting of environmental reviews, either substantively or procedurally, or diminish, modify, or otherwise affect the statutory or regulatory authorities of such agencies.

TITLE V—RURAL WATER SUPPLY PROGRAM

SEC. 501. RURAL WATER SUPPLY PROGRAM.

(a) IN GENERAL.—The Secretary is authorized to establish a program to plan, design, and construct rural water systems in coordination with other Federal agencies with rural water programs, and in cooperation with non-Federal project entities.

(b) REQUIREMENTS.—Provisions to be included in the establishment of a rural water system shall include the following:

- (1) Appraisal investigations.
- (2) Feasibility studies.
- (3) Environmental reports.
- (4) Cost sharing responsibilities.
- (5) Responsibility for operation and maintenance.
- (6) Prohibition for funding for irrigation.

(c) CRITERIA.—The Secretary is authorized to develop criteria for determining which projects are eligible for participation in the program established under this section.

(d) REPORTS TO CONGRESS.—The Secretary shall submit to Congress the program developed under this section.

(e) RECLAMATION STATES.—The program established by this section shall be limited to Reclamation States.

The SPEAKER pro tempore. The committee amendment in the nature of a substitute printed in the bill is adopted.

The text of H.R. 2828, as amended, is as follows:

H.R. 2828

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the “Water Supply, Reliability, and Environmental Improvement Act”.

TITLE I—CALIFORNIA WATER SECURITY AND ENVIRONMENTAL ENHANCEMENT

SEC. 101. SHORT TITLE.

This title may be cited as the “California Water Security and Environmental Enhancement Act”.

SEC. 102. DEFINITIONS.

In this title:

(1) CALFED BAY-DELTA PROGRAM.—The terms “Calfed Bay-Delta Program” and “Program” mean the programs, projects, complementary actions, and activities undertaken through coordinated planning, implementation, and assessment activities of the State and Federal Agencies in a manner consistent with the Record of Decision.

(2) ENVIRONMENTAL WATER ACCOUNT.—The term “Environmental Water Account” means the cooperative management program established pursuant to the Record of Decision to reduce incidental take and provide a mechanism for recovery of species.

(3) FEDERAL AGENCIES.—The term “Federal agencies” means the Federal agencies that are signatories to Attachment 3 of the Record of Decision.

(4) GOVERNOR.—The term “Governor” means the Governor of the State of California.

(5) RECLAMATION STATES.—The term “Reclamation States” means the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wyoming, and Texas.

(6) RECORD OF DECISION.—The term “Record of Decision” means the Calfed Bay-Delta Program Record of Decision, dated August 28, 2000.

(7) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(8) STATE.—The term “State” means the State of California.

(9) STATE AGENCIES.—The term “State agencies” means the California State agencies that are signatories to Attachment 3 of the Record of Decision.

(10) WATER YIELD.—The term “water yield” means a new quantity of water in storage that is reliably available in critically dry years for beneficial uses.

SEC. 103. BAY DELTA PROGRAM.

(a) IN GENERAL.—

(1) RECORD OF DECISION AS GENERAL FRAMEWORK.—The Record of Decision is approved as a general framework for addressing the Calfed Bay-Delta Program, including its components relating to water storage and water yield, ecosystem restoration, water supply reliability, conveyance, water use efficiency, water quality, water transfers, watersheds, the Environmental Water Account, levee stability, governance, and science.

(2) SPECIFIC ACTIVITIES.—The Secretary and the heads of the Federal agencies are authorized to undertake, fund, participate in, and otherwise carry out the activities described in the Record of Decision, subject to the provisions of this title, so that the activities of the Calfed Bay-Delta Program consisting of protecting

drinking water quality, restoring ecological health, improving water supply reliability (including additional water storage and water yield and conveyance), and protecting Delta levees will progress in a balanced manner.

(b) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—The Secretary and the heads of the Federal agencies are authorized to carry out the activities described in paragraphs (2) through (5) in furtherance of the Calfed Bay-Delta Program as set forth in the Record of Decision, subject to the cost-share and other provisions of this title.

(2) MULTIPLE BENEFIT PROJECTS FAVORED.—In selecting projects and programs for increasing water yield and water supply, improving water quality, and enhancing environmental benefits, projects and programs with multiple benefits shall be emphasized.

(3) BALANCE.—The Secretary shall ensure that all elements of the Calfed Bay-Delta Program need to be completed and operated cooperatively to maintain the balanced progress in all Calfed Bay-Delta Program areas.

(4) EXISTING AUTHORIZATIONS FOR FEDERAL AGENCIES.—The Secretary of the Interior and the heads of the Federal agencies are authorized to carry out the activities described in subparagraphs (A) through (J) of paragraph (5), to the extent authorized under existing law.

(5) DESCRIPTION OF ACTIVITIES UNDER EXISTING AUTHORIZATIONS.—

(A) WATER STORAGE AND WATER YIELD.—Activities under this subparagraph consist of—

(i) FEASIBILITY STUDIES AND RESOLUTION.—

(I) For purposes of implementing the Calfed Bay-Delta Program, the Secretary is authorized to undertake all necessary planning activities and feasibility studies required for the development of recommendations by the Secretary to Congress on the construction and implementation of specific water supply and water yield, ground water management, and ground water storage projects and implementation of comprehensive water management planning.

(II) FEASIBILITY STUDIES REQUIREMENTS.—All feasibility studies completed for storage projects as a result of this section shall include identification of project benefits and beneficiaries and a cost allocation plan consistent with the benefits to be received, for both governmental and non-governmental entities.

(III) DISAPPROVAL RESOLUTION.—If the Secretary determines a project to be feasible, and meets the requirements under subparagraph (B), the report shall be submitted to Congress. If Congress does not pass a disapproval resolution of the feasibility study during the first 120 days before Congress (not including days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) the project shall be authorized, subject to appropriations.

(ii) WATER SUPPLY AND WATER YIELD STUDY.—The Secretary, acting through the Bureau of Reclamation and in consultation with the State, shall conduct a study of available water supplies and water yield and existing demand and future needs for water—

(I) within the units of the Central Valley Project;

(II) within the area served by Central Valley Project agricultural water service contractors and municipal and industrial water service contractors; and

(III) within the Bay-Delta solution area.

(iii) RELATIONSHIP TO PRIOR STUDY.—The study under clause (ii) shall incorporate and revise as necessary the study required by section 3408(j) of the Central Valley Project Improvement Act of 1992 (Public Law 102-575).

(iv) MANAGEMENT.—The Secretary shall conduct activities related to developing and implementing groundwater management and ground-water storage projects.

(v) COMPREHENSIVE WATER PLANNING.—The Secretary shall conduct activities related to comprehensive water management planning.

(vi) REPORT.—The Secretary shall submit a report to the congressional authorizing committees by not later than 180 days after the date of the enactment of this title describing the following:

(I) Water yield and water supply improvements, if any, for Central Valley Project agricultural water service contractors and municipal and industrial water service contractors.

(II) All water management actions or projects that would improve water yield or water supply and that, if taken or constructed, would balance available water supplies and existing demand for those contractors and other water users of the Bay-Delta watershed with due recognition of water right priorities and environmental needs.

(III) The financial costs of the actions and projects described under clause (II).

(IV) The beneficiaries of those actions and projects and an assessment of their willingness to pay the capital costs and operation and maintenance costs thereof.

(B) CONVEYANCE.—

(i) SOUTH DELTA ACTIONS.—In the case of the South Delta, activities under this clause consist of the following:

(I) The South Delta Improvement Program through actions to accomplish the following:

(aa) Increase the State Water Project export limit to 8,500 cfs.

(bb) Install permanent, operable barriers in the south Delta. The Federal Agencies shall cooperate with the State to accelerate installation of the permanent, operable barriers in the south Delta, with the intent to complete that installation not later than the end of fiscal year 2006.

(cc) Increase the State Water Project export to the maximum capability of 10,300 cfs.

(II) Reduction of agricultural drainage in south Delta channels, and other actions necessary to minimize the impact of drainage on drinking water quality.

(III) Design and construction of lower San Joaquin River floodway improvements.

(IV) Installation and operation of temporary barriers in the south Delta until fully operable barriers are constructed.

(V) Actions to protect navigation and local diversions not adequately protected by temporary barriers.

(VI) Actions to increase pumping shall be accomplished in a manner consistent with California law protecting—

(aa) deliveries to, costs of, and water suppliers and water users, including but not limited to, agricultural users, that have historically relied on water diverted for use in the Delta; and

(bb) the quality of water for existing municipal, industrial, and agricultural uses.

(ii) NORTH DELTA ACTIONS.—In the case of the North Delta, activities under this clause consist of—

(I) evaluation and implementation of improved operational procedures for the Delta Cross Channel to address fishery and water quality concerns;

(II) evaluation of a screened through-Delta facility on the Sacramento River; and

(III) evaluation of lower Mokelumne River floodway improvements.

(iii) INTERTIES.—Activities under this clause consist of—

(I) evaluation and construction of an intertie between the State Water Project California Aqueduct and the Central Valley Project Delta Mendota Canal, near the City of Tracy; and

(II) assessment of a connection of the Central Valley Project to the Clifton Court Forebay of the State Water Project, with a corresponding increase in the screened intake of the Forebay.

(iv) PROGRAM TO MEET STANDARDS.—Prior to increasing export limits from the Delta for the purposes of conveying water to south-of-Delta Central Valley Project contractors or increasing deliveries through an intertie, the Secretary shall, within one year of the date of enactment of this title, in consultation with the Governor, develop and implement a program to meet all ex-

isting water quality standards and objectives for which the CVP has responsibility. In developing and implementing the program the Secretary shall include, to the maximum extent feasible, the following:

(I) A recirculation program to provide flow, reduce salinity concentrations in the San Joaquin River, and reduce the reliance on New Melones Reservoir for meeting water quality and fishery flow objectives through the use of excess capacity in export pumping and conveyance facilities.

(II) The implementation of mandatory source control programs and best drainage management practices to reduce discharges into the San Joaquin River of salt or other constituents from wildlife refuges that receive Central Valley Project water.

(III) The acquisition from willing sellers of water from streams tributary to the San Joaquin River or other sources to provide flow, dilute discharges from wildlife refuges, and to improve water quality in the San Joaquin River below the confluence of the Merced and San Joaquin rivers and to reduce the reliance on New Melones Reservoir for meeting water quality and fishery flow objectives.

(v) USE OF EXISTING FUNDING MECHANISMS.—In implementing the Program, the Secretary shall use money collected pursuant to section 3406(c)(1) of the Central Valley Project Improvement Act of 1992 (Public Law 102-575) to acquire from voluntary sellers water from streams tributary to the San Joaquin River or other sources for the purposes set forth in subclauses (I) through (III) of clause (iv).

(vi) PURPOSE.—The purpose of the authority and direction provided to the Secretary in clause (iv) is to provide greater flexibility in meeting the existing water quality standards and objectives for which the Central Valley Project has responsibility so as to reduce the demand on water from New Melones Reservoir used for that purpose and to allow the Secretary to meet with greater frequency the Secretary's obligations to Central Valley Project contractors from the New Melones Project.

(C) WATER USE EFFICIENCY.—Activities under this subparagraph consist of—

(i) water conservation projects that provide water supply reliability, water quality, and ecosystem benefits to the Bay-Delta system;

(ii) technical assistance for urban and agricultural water conservation projects;

(iii) water recycling and desalination projects, including groundwater remediation projects and projects identified in the Bay Area Water Plan and the Southern California Comprehensive Water Reclamation and Reuse Study and other projects, giving priority to projects that include regional solutions to benefit regional water supply and reliability needs;

(I) The Secretary shall review any feasibility level studies for seawater desalination and regional brine line projects that have been completed, whether or not those studies were prepared with financial assistance from the Secretary.

(II) The Secretary shall report to the Congress not later than 90 days after the completion of a feasibility study or the review of a feasibility study. For the purposes of this Act, the Secretary is authorized to provide assistance for projects as set forth and pursuant to the existing requirements of the Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575; title 16) as amended, and Reclamation Recycling and Water Conservation Act of 1996 (Public Law 104-266).

(iv) water measurement and transfer actions;

(v) certification of implementation of best management practices for urban water conservation; and

(vi) projects identified in the Southern California Comprehensive Water Reclamation and Reuse Study, dated April 2001 and authorized by section 1606 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43

U.S.C. 390h-4); and the San Francisco Bay Area Regional Water Recycling Program described in the San Francisco Bay Area Regional Water Recycling Program Recycled Water Master Plan, dated December 1999 and authorized by section 1611 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h-9) are determined to be feasible.

(D) WATER TRANSFERS.—Activities under this subparagraph consist of—

(i) increasing the availability of existing facilities for water transfers;

(ii) lowering transaction costs through regulatory coordination as provided in sections 301 through 302; and

(iii) maintaining a water transfer information clearinghouse.

(E) INTEGRATED REGIONAL WATER MANAGEMENT PLANS.—Activities under this subparagraph consist of assisting local and regional communities in the State in developing and implementing integrated regional water management plans to carry out projects and programs that improve water supply reliability, water quality, ecosystem restoration, and flood protection, or meet other local and regional needs, in a manner that is consistent with, and makes a significant contribution to, the Calfed Bay-Delta Program.

(F) ECOSYSTEM RESTORATION.—

(i) Activities under this subparagraph consist of—

(I) implementation of large-scale restoration projects in San Francisco Bay and the Delta and its tributaries;

(II) restoration of habitat in the Delta, San Pablo Bay, and Suisun Bay and Marsh, including tidal wetland and riparian habitat;

(III) fish screen and fish passage improvement projects, including the Sacramento River Small Diversion Fish Screen Program;

(IV) implementation of an invasive species program, including prevention, control, and eradication;

(V) development and integration of Federal and State agricultural programs that benefit wildlife into the Ecosystem Restoration Program;

(VI) financial and technical support for locally-based collaborative programs to restore habitat while addressing the concerns of local communities;

(VII) water quality improvement projects to manage and reduce concentrations of salinity, selenium, mercury, pesticides, trace metals, dissolved oxygen, turbidity, sediment, and other pollutants;

(VIII) land and water acquisitions to improve habitat and fish spawning and survival in the Delta and its tributaries;

(IX) integrated flood management, ecosystem restoration, and levee protection projects;

(X) scientific evaluations and targeted research on Program activities;

(XI) strategic planning and tracking of Program performance; and

(XII) preparation of management plans for all properties acquired, and update current management plans, prior to the purchase or any contribution to the purchase of any interest in land for ecosystem.

(ii) A RESTORATION MANAGEMENT PLAN REPORT.—The Secretary shall submit a restoration management plan report to Congress, 30 days (not including days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) prior to implementing ecosystem restoration actions as described under this paragraph. Such plan reports shall be required for all ecosystem projects, (including comprehensive projects that are composed of several components and are to be completed by staged implementation) exceeding \$20,000 in Federal funds. The Restoration Management Plan required to be submitted under this paragraph, shall, at a minimum—

(I) be consistent with the goal of fish, wildlife, and habitat improvement;

(II) be consistent with all applicable Federal and State laws;

(III) describe the specific goals, objectives, and opportunities and implementation timeline of the proposed project. Describe to what extent the proposed project is a part of a larger, more comprehensive project in the Bay-Delta watershed;

(IV) describe the administration responsibilities of land and water areas and associated environmental resources, in the affected project area including an accounting of all habitat types. Cost-share arrangements with cooperating agencies should be included in the report;

(V) describe the resource data and ecological monitoring data to be collected for the restoration projects and how the data are to be integrated, streamlined, and designed to measure the effectiveness and overall trend of ecosystem health in the Bay-Delta watershed;

(VI) identify various combinations of land and water uses and resource management practices that are scientifically-based and meet the purposes of the project. Include a description of expected benefits of the restoration project relative to the cost of the project;

(VII) analyze and describe cumulative impacts of project implementation, including land acquisition, and the mitigation requirements, subject to conditions described in clause (iii)(I). Complete appropriate actions to satisfy requirements of NEPA, CEQA, and other environmental permitting clearance; and

(VIII) describe an integrated monitoring plan and measurable criteria, or bio-indicators, to be used for evaluating cost-effective performance of the project.

(iii) CONDITIONS.—Conditions, if applicable, for projects and activities under this paragraph, and which are to be described in the restoration management plan report, are as follows:

(I) a requirement that before obligating or expending Federal funds to acquire land, the Secretary shall first determine that existing Federal land, State land, or other land acquired for ecosystem restoration with amounts provided by the United States or the State, to the extent such lands are available within the Calfed solution area, is not available for that purpose. If no public land is available the Secretary, prior to any federal expenditure for private land acquisitions, shall—

(aa) not convert prime farm land and unique farm land, to the maximum extent as practicable, as identified by local, State, or Federal land use inventories, including the Natural Resources Conservation Service;

(bb) not conflict with existing zoning for agriculture use; and

(cc) not involve other changes in existing environment due to location and nature of converting farmland to non-farmland use.

(II) a requirement that in determining whether to acquire private land for ecosystem restoration, the Secretary shall—

(aa) conduct appropriate analysis, including cost valuation to assure that private land acquisitions prioritize easements and leases over acquisitions by fee title unless easements and leases are unavailable or unsuitable for the stated purposes;

(bb) consider and partner with landowners and local agencies to develop cooperating landowner commitments that are likely to meet co-equal objectives of achieving local economic and social goals and implementing the ecosystem restoration goals; and

(cc) consider the potential cumulative impacts of fee title, easement, or lease acquisition on the local and regional economies and adjacent land and landowners, of transferring the property into government ownership, and—

(AA) describe the actions that will be taken, to the maximum extent practicable, to mitigate any induced damages; and

(BB) determine and describe the degree to which land acquired will add value to fish, wildlife, and habitat purposes.

(iv) ANNUAL ECOSYSTEM RESTORATION PROJECT SUMMARY REPORT.—The Secretary shall, by no later than December 31 of each year, submit to Congress an annual report on the use of financial assistance received under this title. The report shall highlight progress of project implementation, effectiveness, monitoring, and accomplishment. The report will identify and outline the need for amendments or revisions to the plan to improve the cost-effectiveness of project implementation.

(G) WATERSHEDS.—Activities under this subparagraph consist of—

(i) building local capacity to assess and manage watersheds affecting the Calfed Bay-Delta system;

(ii) technical assistance for watershed assessments and management plans; and

(iii) developing and implementing locally-based watershed conservation, maintenance, and restoration actions.

(H) WATER QUALITY.—Activities under this subparagraph consist of—

(i) addressing drainage problems in the San Joaquin Valley to improve downstream water quality (including habitat restoration projects that reduce drainage and improve water quality) if—

(I) a plan is in place for monitoring downstream water quality improvements;

(II) State and local agencies are consulted on the activities to be funded; and

(III) except that no right, benefit, or privilege is created as a result of this clause;

(ii) implementation of source control programs in the Delta and its tributaries;

(iii) developing recommendations through scientific panels and advisory council processes to meet the Calfed Bay-Delta Program goal of continuous improvement in Delta water quality for all uses;

(iv) investing in treatment technology demonstration projects;

(v) controlling runoff into the California aqueduct, the Delta-Mendota Canal, and other similar conveyances;

(vi) addressing water quality problems at the North Bay Aqueduct;

(vii) supporting and participating in the development of projects to enable San Francisco Area water districts and water entities in San Joaquin and Sacramento counties to work cooperatively to address their water quality and supply reliability issues, including—

(I) connections between aqueducts, water transfers, water conservation measures, institutional arrangements, and infrastructure improvements that encourage regional approaches; and

(II) investigations and studies of available capacity in a project to deliver water to the East Bay Municipal Utility District under its contract with the Bureau of Reclamation, dated July 20, 2001, in order to determine if such capacity can be used to meet the objectives of this clause;

(viii) development of water quality exchanges and other programs to make high quality water available for urban and other users;

(ix) development and implementation of a plan to meet all water quality standards for which the Federal and State water projects have responsibility;

(x) development of recommendations through technical panels and advisory council processes to meet the Calfed Bay-Delta Program goal of continuous improvement in water quality for all uses; and

(xi) projects that may meet the framework of the water quality component of the Calfed Bay-Delta Program.

(I) SCIENCE.—Activities under this subparagraph consist of—

(i) establishing and maintaining an independent science board, technical panels, and standing boards to provide oversight and peer review of the Program;

(ii) conducting expert evaluations and scientific assessments of all Program elements;

(iii) coordinating existing monitoring and scientific research programs;

(iv) developing and implementing adaptive management experiments to test, refine, and improve scientific understandings;

(v) establishing performance measures, and monitoring and evaluating the performance of all Program elements; and

(vi) preparing an annual science report.

(J) DIVERSIFICATION OF WATER SUPPLIES.—Activities under this subparagraph consist of actions to diversify sources of level 2 refuge supplies and modes of delivery to refuges.

(6) NEW AND EXPANDED AUTHORIZATIONS FOR FEDERAL AGENCIES.—The Secretary and the heads of the Federal agencies described in the Record of Decision are authorized to carry out the activities described in paragraph (7) during each of fiscal years 2005 through 2008, in coordination with the Bay-Delta Authority.

(7) DESCRIPTION OF ACTIVITIES UNDER NEW AND EXPANDED AUTHORIZATIONS.—

(A) CONVEYANCE.—Of the amounts authorized to be appropriated under section 110, not more than \$184,000,000 may be expended for the following:

(i) Feasibility studies, evaluation, and implementation of the San Luis Reservoir lowpoint improvement project.

(ii) Feasibility studies and actions at Franks Tract to improve water quality in the Delta.

(iii) Feasibility studies and design of fish screen and intake facilities at Clifton Court Forebay and the Tracy Pumping Plant facilities.

(iv) Design and construction of the relocation of drinking water intake facilities to Delta water users. The Secretary shall coordinate actions for relocating intake facilities on a time schedule consistent with subparagraph (5)(B)(i)(I)(bb) or other actions necessary to offset the degradation of drinking water quality in the Delta due to the South Delta Improvement Program.

(v) In addition to the other authorizations granted to the Secretary by this title, the Secretary shall acquire water from willing sellers and undertake other actions designed to decrease releases from New Melones Reservoir for meeting water quality standards and flow objectives for which the Central Valley Project has responsibility in order to meet allocations to Central Valley Project contractors from the New Melones Project. Of the amounts authorized to be appropriated under paragraph (7)(A), not more than \$5,260,000 may be expended for this purpose.

(B) ENVIRONMENTAL WATER ACCOUNT.—Of the amounts authorized to be appropriated under section 110, not more than \$90,000,000 may be expended for implementation of the Environmental Water Account provided that such expenditures shall be considered a nonreimbursable Federal expenditure. In order to reduce the use of New Melones reservoir as a source of water to meet water quality standards, the Secretary may use the Environmental Water Account to purchase water to provide flow for fisheries, to improve water quality in the San Joaquin river and Delta.

(C) LEVEE STABILITY.—Of the amounts authorized to be appropriated under section 110, not more than \$90,000,000 may be expended for—

(i) reconstructing Delta levees to a base level of protection;

(ii) enhancing the stability of levees that have particular importance in the system through the Delta Levee Special Improvement Projects program;

(iii) developing best management practices to control and reverse land subsidence on Delta islands;

(iv) refining the Delta Emergency Plan;

(v) developing a Delta Risk Management Strategy after assessing the consequences of Delta levee failure from floods, seepage, subsidence, and earthquakes;

(vi) developing a strategy for reuse of dredged materials on Delta islands;

(vii) evaluating, and where appropriate, rehabilitating the Suisun Marsh levees; and

(viii) not more than \$2,000,000 may be expended for integrated flood management, ecosystem restoration, and levee protection projects, including design and construction of lower San Joaquin River and lower Mokelumne River floodway improvements and other projects under the Sacramento-San Joaquin Comprehensive Study.

(D) PROGRAM MANAGEMENT, OVERSIGHT, AND COORDINATION.—Of the amounts authorized to be appropriated under section 110, not more than \$25,000,000 may be expended by the Secretary or the other heads of Federal agencies, either directly or through grants, contracts, or cooperative agreements with agencies of the State, for—

(i) program support;

(ii) program-wide tracking of schedules, finances, and performance;

(iii) multiagency oversight and coordination of Program activities to ensure Program balance and integration;

(iv) development of interagency cross-cut budgets and a comprehensive finance plan to allocate costs in accordance with the beneficiary pays provisions of the Record of Decision;

(v) coordination of public outreach and involvement, including tribal, environmental justice, and public advisory activities in accordance with the Federal Advisory Committee Act (5 U.S.C. App.); and

(vi) development of Annual Reports.

SEC. 104. MANAGEMENT.

(a) COORDINATION.—In carrying out the Calfed Bay-Delta Program, the Federal agencies shall coordinate their activities with the State agencies.

(b) PUBLIC PARTICIPATION.—In carrying out the Calfed Bay-Delta Program, the Federal agencies shall cooperate with local and tribal governments and the public through an advisory committee established in accordance with the Federal Advisory Committee Act (5 U.S.C. App.) and other appropriate means, to seek input on Program elements such as planning, design, technical assistance, and development of peer review science programs.

(c) SCIENCE.—In carrying out the Calfed Bay-Delta Program, the Federal agencies shall seek to ensure, to the maximum extent practicable, that—

(1) all major aspects of implementing the Program are subjected to credible and objective scientific review; and

(2) major decisions are based upon the best available scientific information.

(d) ENVIRONMENTAL JUSTICE.—The Federal agencies and State agencies, consistent with Executive Order 12898 (59 FR Fed. Reg. 7629), should continue to collaborate to—

(1) develop a comprehensive environmental justice workplan for the Calfed Bay-Delta Program; and

(2) fulfill the commitment to addressing environmental justice challenges referred to in the Calfed Bay-Delta Program Environmental Justice Workplan, dated December 13, 2000.

(e) LAND ACQUISITION.—Federal funds appropriated by Congress specifically for implementation of the Calfed Bay-Delta Program may be used to acquire fee title to land only where consistent with the Record of Decision and section 103(b)(5)(F)(iii).

(f) AGENCIES' DISCRETION.—This title shall not affect the discretion of any of the Federal agencies or the State agencies or the authority granted to any of the Federal agencies or State agencies by any other Federal or State law.

(g) STATUS REPORTS.—The Secretary shall report, quarterly to Congress, on the progress in achieving the water supply targets as described in Section 2.2.4 of the Record of Decision, the environmental water account requirements as described in Section 2.2.7, and the water quality targets as described in Section 2.2.9, and any

pending actions that may affect the ability of the Calfed Bay-Delta Program to achieve those targets and requirements.

SEC. 105. REPORTING REQUIREMENTS.

(a) REPORT.—

(1) IN GENERAL.—Not later than February 15 of each year, the Secretary, in cooperation with the Governor, shall submit to the appropriate authorizing and appropriating Committees of the Senate and the House of Representatives a report that—

(A) describes the status of implementation of all components of the Calfed Bay-Delta Program;

(B) sets forth any written determination resulting from the review required under subsection (b); and

(C) includes any revised schedule prepared under subsection (b).

(2) CONTENTS.—The report required under paragraph (1) shall describe—

(A) the progress of the Calfed Bay-Delta Program in meeting the implementation schedule for the Program in a manner consistent with the Record of Decision;

(B) the status of implementation of all components of the Program;

(C) expenditures in the past fiscal year for implementing the Program;

(D) accomplishments during the past fiscal year in achieving the objectives of additional and improved—

(i) water storage, including water yield;

(ii) water quality;

(iii) water use efficiency;

(iv) ecosystem restoration;

(v) watershed management;

(vi) levee system integrity;

(vii) water transfers;

(viii) water conveyance; and

(ix) water supply reliability;

(E) program goals, current schedules, and relevant financing agreements;

(F) progress on—

(i) storage projects;

(ii) conveyance improvements;

(iii) levee improvements;

(iv) water quality projects; and

(v) water use efficiency programs;

(G) completion of key projects and milestones identified in the Ecosystem Restoration Program;

(H) development and implementation of local programs for watershed conservation and restoration;

(I) progress in improving water supply reliability and implementing the Environmental Water Account;

(J) achievement of commitments under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and endangered species law of the State;

(K) implementation of a comprehensive science program;

(L) progress toward acquisition of the Federal and State permits (including permits under section 404(a) of the Federal Water Pollution Control Act (33 U.S.C. 1344(a))) for implementation of projects in all identified Program areas;

(M) progress in achieving benefits in all geographic regions covered by the Program;

(N) legislative action on—

(i) water transfer;

(ii) groundwater management;

(iii) water use efficiency; and

(iv) governance issues;

(O) the status of complementary actions;

(P) the status of mitigation measures; and

(Q) revisions to funding commitments and Program responsibilities.

(b) ANNUAL REVIEW OF PROGRESS AND BALANCE.—

(1) IN GENERAL.—Not later than November 15 of each year, the Secretary, in cooperation with the Governor, shall review progress in implementing the Calfed Bay-Delta Program based on—

(A) consistency with the Record of Decision; and

(B) balance in achieving the goals and objectives of the Calfed Bay-Delta Program.

(2) **REVISED SCHEDULE.**—If, at the conclusion of each such annual review or if a timely annual review is not undertaken, the Secretary, or the Governor, determine in writing that either the Program implementation schedule has not been substantially adhered to, or that balanced progress in achieving the goals and objectives of the Program is not occurring, the Secretary, in coordination with the Governor and the Bay-Delta Public Advisory Committee, shall prepare a revised schedule to achieve balanced progress in all Calfed Bay-Delta Program elements consistent with the Record of Decision.

(c) **FEASIBILITY STUDIES.**—Any feasibility studies completed as a result of this title shall include identification of project benefits and a cost allocation plan consistent with the beneficiaries pay provisions of the Record of Decision.

SEC. 106. CROSSCUT BUDGET.

(a) **IN GENERAL.**—The budget of the President shall include requests for the appropriate level of funding for each of the Federal agencies to carry out the responsibilities of the Federal agency under the Calfed Bay-Delta Program.

(b) **REQUESTS BY FEDERAL AGENCIES.**—The funds shall be requested for the Federal agency with authority and programmatic responsibility for the obligation of the funds, in accordance with paragraphs (2) through (5) of section 103(b).

(c) **REPORT.**—At the time of submission of the budget of the President to Congress, the Director of the Office of Management and Budget, in coordination with the Governor, shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives a financial report certified by the Secretary containing—

(1) an interagency budget crosscut report that—

(A) displays the budget proposed, including any interagency or intra-agency transfer, for each of the Federal agencies to carry out the Calfed Bay-Delta Program for the upcoming fiscal year, separately showing funding requested under both pre-existing authorities and under the new authorities granted by this title; and

(B) identifies all expenditures since 2000 by the Federal and State governments to achieve the objectives of the Calfed Bay-Delta Program;

(2) a detailed accounting of all funds received and obligated by all Federal agencies and State agencies responsible for implementing the Calfed Bay-Delta Program during the previous fiscal year;

(3) a budget for the proposed projects (including a description of the project, authorization level, and project status) to be carried out in the upcoming fiscal year with the Federal portion of funds for activities under section 103(b); and

(4) a listing of all projects to be undertaken in the upcoming fiscal year with the Federal portion of funds for activities under section 103(b).

SEC. 107. FEDERAL SHARE OF COSTS.

(a) **IN GENERAL.**—The Federal share of the cost of implementing the Calfed Bay-Delta Program for fiscal years 2005 through 2008 in the aggregate, as set forth in the Record of Decision, shall not exceed 33.3 percent.

(b) **CALFED BAY-DELTA PROGRAM BENEFICIARIES.**—

(1) **IN GENERAL.**—The Secretary shall ensure that all beneficiaries, including the environment, shall pay for benefits received from all projects or activities carried out under the Calfed Bay-Delta Program. This requirement shall not be limited to storage and conveyance projects and shall be implemented so as to encourage integrated resource planning.

SEC. 108. USE OF EXISTING AUTHORITIES AND FUNDS.

(a) **GENERALLY.**—The heads of the Federal agencies shall use the authority under existing authorities identified by the Secretary to carry out the purposes of this title.

(b) **REPORT.**—Not later than 60 days after the date of the enactment of this Act and annual thereafter, the Secretary, in consultation with the heads of the Federal agencies, shall transmit to Congress a report that describes the following:

(1) A list of all existing authorities, including the authorities listed in subsection (a), under which the Secretary or the heads of the Federal agencies may carry out the purposes of this title.

(2) A list of funds authorized in the previous fiscal year for the authorities listed under paragraph (1).

(3) A list of the projects carried out with the funds listed in paragraph (2) and the amount of funds obligated and expended for each project.

SEC. 109. COMPLIANCE WITH STATE AND FEDERAL LAW.

Nothing in this title—

(1) invalidates or preempts State water law or an interstate compact governing water;

(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water, whether determined by past or future interstate compacts or final judicial allocations;

(3) preempts or modifies any State or Federal law or interstate compact governing water quality or disposal; or

(4) confers on any non-federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource.

SEC. 110. AUTHORIZATION OF APPROPRIATION.

There are authorized to be appropriated to the Secretary and the heads of the Federal agencies to pay the Federal share of the cost of carrying out the new and expanded authorities described in paragraphs (6) and (7) of section 103(b), \$389,000,000 for the period of fiscal years 2005 through 2008, to remain available until expended.

TITLE II—ESTABLISHMENT OF CENTRALIZED REGULATORY COORDINATION OFFICES

SEC. 201. ESTABLISHMENT OF OFFICES.

For projects authorized by this Act and located within the State of California, the Secretary shall establish a centralized office in Sacramento, California, for the use of all Federal agencies and State agencies that are or will be involved in issuing permits and preparing environmental documentation for such projects. The Secretary may, at the request of the Governor of any Reclamation State, establish additional centralized offices for the use of all Federal agencies and State agencies that are or will be involved in issuing permits and preparing environmental documentation for projects authorized by this Act, or under any other authorized Act, and located within such States.

SEC. 202. ACCEPTANCE AND EXPENDITURE OF CONTRIBUTIONS.

(a) **IN GENERAL.**—The Secretary may accept and expend funds contributed by non-Federal public entities to coordinate the preparation and review of permit applications and the preparation of environmental documentation for all projects authorized by this Act, or any other authorized Act, and to offset the Federal costs of processing such permit applications and environmental documentation. The Secretary shall allocate funds received under this section among Federal agencies with responsibility for the project under consideration and shall reimburse those agencies in accordance with the costs such agencies incur in processing permit applications and preparing environmental documentation.

(b) **PROTECTION OF IMPARTIAL DECISION-MAKING.**—In carrying out this section, the Secretary and the heads of Federal agencies receiving funds under this section shall ensure that the use of the funds accepted under this section will not impact impartial decisionmaking with respect to the issuance of permits or preparation of environmental documentation, either substantively or procedurally, or diminish, modify,

or otherwise affect the statutory or regulatory authorities of such agencies.

TITLE III—RURAL WATER SUPPLY PROGRAM

SEC. 301. RURAL WATER SUPPLY PROGRAM.

(a) **IN GENERAL.**—The Secretary shall conduct a study to determine the feasibility of constructing rural water systems in coordination with other Federal agencies with rural water programs, and in cooperation with non-Federal project entities.

(b) **REQUIREMENTS.**—The study referred to in subsection (a) shall consider each of the following:

(1) Appraisal investigations.

(2) Feasibility studies.

(3) Environmental reports.

(4) Cost sharing responsibilities.

(5) Responsibility for operation and maintenance.

(c) **CRITERIA.**—As part of the study referred to in subsection (a), the Secretary shall develop criteria for determining which projects are eligible for participation in the study referred to under this section.

(d) **REPORTS TO CONGRESS.**—The Secretary shall submit to Congress the study developed under this section.

(e) **RECLAMATION STATES.**—The program established by this section shall be limited to Reclamation States.

TITLE IV—SALTON SEA STUDY PROGRAM

SEC. 401. SALTON SEA STUDY PROGRAM.

(a) **IN GENERAL.**—The Secretary shall conduct a study to determine the feasibility of reclaiming the Salton Sea.

(b) **REQUIREMENTS.**—The study referred to in subsection (a) shall consider each of the following:

(1) Appraisal investigations.

(2) Feasibility studies.

(3) Environmental Reports.

(4) Cost sharing responsibilities.

(5) Responsibility for operation and maintenance.

(c) **REPORT TO CONGRESS.**—The Secretary shall submit to Congress the study developed under this section no later than 1 year after the date of enactment.

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the further amendment printed in the report, if offered by the gentleman from California (Mr. CALVERT) or his designee, which shall be considered read, and shall be debatable for 20 minutes, equally divided and controlled by the proponent and an opponent.

The gentleman from California (Mr. CALVERT) and the gentlewoman from California (Mrs. NAPOLITANO) each will control 30 minutes of debate on the bill.

The Chair recognizes the gentleman from California (Mr. CALVERT).

GENERAL LEAVE

Mr. CALVERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. R. 2828.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CALVERT. Mr. Speaker, today's consideration of this bill is a giant step forward in resolving California's water supply problems.

Mr. Speaker, I yield such time as he may consume to the gentleman from

California (Mr. POMBO), the chairman of the full committee.

Mr. POMBO. Mr. Speaker, I thank the gentleman for yielding me this time.

I am pleased today to support the subcommittee chairman, the gentleman from California (Mr. CALVERT), on this historic legislation. For over 10 years we have been trying to move this process forward to develop a comprehensive water plan to benefit all of California, and this legislation does just that.

This legislation addresses the water needs of California by bringing adversaries together for the first time on many of these issues.

For over 30 years, sides have not resolved the Sacramento/San Joaquin Bay-Delta water quality issues. This legislation includes a historic agreement between these parties to once and for all improve water quality by addressing many concerns in the Delta and its tributaries.

By improving water quality, everybody benefits. Improved water quality in the Delta means better drinking water for our cities, better water for our farmers, and better water quality for our fish. This bill provides the Secretary with a variety of tools to address this very serious issue, including the purchase of water from voluntary sellers to meet water quality standards. It also gives direction for the implementation of an operational plan for the New Melones Reservoir that will rely on the best available science and coordinate releases to benefit both the fisheries and the water quality for municipal and agricultural users.

This bill increases California's water supply through water reclamation and recycling projects, water storage, better operation, and the coordination of Federal and State projects, and the development of water conservation projects that benefit all of California. With an ever-increasing demand for water in the State of California, there is a need to move all of the projects of every type forward quickly and efficiently, and this bill does that.

I again want to congratulate the gentleman from California (Mr. CALVERT) on the great work that he did on this bill, and the gentlewoman from California (Mrs. NAPOLITANO) for working with her subcommittee chairman to make this work. I appreciate all that she put in to make this a good bill.

Mrs. NAPOLITANO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank my friend and colleague, the gentleman from California (Mr. CALVERT), the subcommittee chairman and the sponsor of H.R. 2828, for his tireless work to keep the CALFED authorization moving forward, and also the gentleman from California (Chairman POMBO) for his unwavering support.

As ranking member of the Subcommittee on Water and Power, I have had the privilege of working with the

chairman on many water issues. His commitment to a fair and open legislative process is indeed very commendable.

The State of California needs a more reliable water supply; we can all agree on that. We now face, like many other States, severe restrictions specifically on the use of the Colorado River, and we must reduce our water use to meet the terms of the Colorado River Compact.

The gentleman from California (Chairman CALVERT) and others on our committee are well aware of my strong support for water recycling, desalinization, and groundwater cleanup projects. With H.R. 2828, the gentleman from California (Chairman CALVERT) has raised the importance of these projects to unprecedented levels. He deserves our combined thanks and our support for his commitment.

Efficient water use, water recycling, ground water treatment, new storage, and desalinization projects are all critically important if we in Southern California are to succeed in our effort to cut back our use of the Colorado River. With increased emphasis on using water more efficiently, we can increase our available water supply by more than half a million acre feet of water per year, and we can do it cheaply and quickly.

Mr. Speaker, by working together, we have taken a huge step forward towards authorizing the CALFED program. The gentlemen from California (Chairman POMBO) and (Chairman CALVERT) and their staffs have cooperated with us fully, and we have together made many improvements to this legislation. I look forward to continuing our progress on CALFED as we move this bill towards the White House. I urge all of my Democratic and Republican colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. CALVERT. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Speaker, I want to compliment the gentleman from California (Mr. CALVERT). Putting this bill together has been very difficult and has taken a number of years. He and his staff and the gentleman from California (Mr. POMBO) and his staff have done an outstanding job.

I remember when CALFED was first unleashed, and it was I think in 1996, and it was done in an appropriations bill. So, really, this is the first proper authorization that we have actually had, and it has been a long time in coming.

It has been mentioned that this bill brings balance between the ecological work that has been done, which has received almost all of the focus and all of the funding, and balance for water yield. Yield means water that is available in critically dry years, that is reliably available; and this bill emphasizes that and creates studies and com-

mences processes that will produce what is needed to meet the growing needs of our State.

This bill also subjects to accountability everything that is going on in CALFED. These projects have been going on for nearly 10 years; and yet there has been very little accountability.

□ 1200

Now we will have the accountability that we need so that the Congress can assess what is working and what is not, and so that Congress can also assure that we are meeting all the objectives of CALFED, not just some.

I also wish to draw attention to the limitation on the water use fees that are contained in the report accompanying this bill that provides that only direct beneficiaries of projects benefiting the Bay Delta region will be subject to the beneficiary pays provision. This means that upstream water users who participate in projects to improve the region are not subject to fees or taxes imposed on beneficiaries of the project. In addition, this legislation does not authorize the creation of a broad-based fee or tax for water users. Any fee or tax that is developed will be directly proportional to the benefit received from specific projects authorized by the program.

Mr. Speaker, I thank my colleagues and appreciate the cooperation we have had. I thank the gentlewoman from California (Mrs. NAPOLITANO) for her work and her staff and commend everyone for finally being able to bring this great package together. Everyone who cares about water and the future in California should be supporting this bill.

Mrs. NAPOLITANO. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, the CALFED process is an unprecedented undertaking and one that is crucial to the water security of all people in California, both northern and southern, urban and rural. That is why we need a balanced reauthorization bill that respects the hard work done over the past years by all CALFED stakeholders in the blueprint record of decision agreed upon in 2000.

I fear that H.R. 2828 does not achieve the delicate balance necessary because of the preauthorization of the dam projects that are controversial in their communities and among the stakeholders. So I would urge that H.R. 2828 be opposed and that the motion to recommit offered by the gentleman from California (Mr. GEORGE MILLER) and the gentlewoman from California (Mrs. TAUSCHER) that would correct the preauthorization provision be supported.

However, I do want to give credit to the gentlewoman from California (Mrs. NAPOLITANO) and to all who have worked on this, because I am confident that once we get through this process in working with our Senators who have

a parallel effort that avoids the flaw in this bill, that we will end up with a bill that all of us support. It is important that the CALFED process move forward.

Mr. CALVERT. Mr. Speaker, I yield myself 3½ minutes.

Mr. Speaker, before I make a statement about this bill, I want to also thank the ranking member, the gentlewoman from California (Mrs. NAPOLITANO) for all her great work on this bill. She has spent many hours and days traveling across the State of California. I think we probably were in most congressional districts throughout California as this process took place. Certainly I thank her for her great work in this legislation.

This bill represents great progress in helping solve the water problems of the west by making California more self-reliant and carefully using its own water supply. We have come a long way over the last few years. The Subcommittee on Water and Power conducted three field hearings in California, a legislative hearing, two mark-ups, and too many meetings to count to get where we are today.

Individually, many of the members of our committee have helped to shepherd often contentious quantification settlement agreements, for instance, that was delayed, but we finally came to a decisive conclusion. My friends in the upper-lower basin States should know that this bill today is another positive step in California weaning itself from historically overdrafting the Colorado River.

As we have found with the plumbing in California's water system, everything in the world of water is related to everything else. Thus, achievements like the quantification settlement agreement helped us conclude the carefully balanced agreement on CALFED that we have before us today. Water is not and should not be a partisan issue. I worked constructively with the Committee on Resources chairman, the gentleman from California (Mr. POMBO), Senator FEINSTEIN, as I mentioned, the ranking Democratic member; the gentlewoman from California (Mrs. NAPOLITANO); the gentleman from California (Mr. DOOLEY); the gentleman from California (Mr. CARDOZA); of course, the gentleman from California (Mr. GEORGE MILLER); and the full committee ranking member, the gentleman from West Virginia (Mr. RAHALL) and many, many more to make sure this bill before us is a consensus that I believe that it is.

I am proud to have many Democratic members of the Committee on Resources supporting this bill. The original intent of CALFED was to provide balance to a complex water delivery system, to ensure that everybody gets better together. That is what this bill does. H.R. 2828 simply and truly means that the environment, recreation, drinking water, agriculture and industries gets better together.

As our distinguished colleague, the gentleman from California (Mr. POMBO)

said, This bill makes historic strides in water quality improvements in the Sacramento-San Joaquin Bay Delta. Improved water quality helps everyone across the board. We have also created new water supplies for southern California through my friend, the gentlewoman from California's (Mrs. NAPOLITANO) water recycling amendment, and we enhanced surface storage to improve water quality for families in our colleagues' district in the Bay area and beyond as evidenced by the support of such water districts as the Northern California Water District, Contra Costa Water District, Central Contra Water District and many others.

We have created a right to know provision by making Federal agencies report how they will spend the money. Congress and the American taxpayer deserve government accountability and this bill provides it.

Mr. Speaker, I will continue to work with my colleagues in the House and the Senate to bring ultimate resolution to this bipartisan effort. Our bill includes and supports a diverse approach to solving our water problems, including conservation, reclamation, desalinization, conjunctive use, ground water storage and, of course, surface storage options that have been carefully studied and negotiated down to the bare minimum.

We have made significant progress and we can see the light at the end of the tunnel. With today's vote, we will pass this bill and we will make that light shine even brighter. I urge support.

Mr. Speaker, I reserve the balance of my time.

Mrs. NAPOLITANO. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DOOLEY).

(Mr. DOOLEY of California asked and was given permission to revise and extend his remarks.)

Mr. DOOLEY of California. Mr. Speaker, I want to commend the gentleman from California (Mr. CALVERT) and the gentlewoman from California (Mrs. NAPOLITANO) for the terrific work they have done in crafting this legislation.

Obviously, one of the greatest challenges we face in California and, indeed, the entire west, is how do we provide adequate water for all of our needs, whether they be consumptive needs, as well as the environment. And this legislation is a step forward to providing greater certainty that in the future we will have the water resources that are needed for the expanding population. We will have the water resources that are needed for our agriculture sector as well as our industrial sector. Most importantly, it also ensures that we are going to provide the protection that our environment needs.

This legislation is clearly something that is going to meet the needs of all the citizens of California. And while there are some of our colleagues in California that do not think this is a

perfect piece of legislation, I would agree with them that it might not be perfect but it would be foolhardy for us to not allow this legislation to move forward so that we could eventually see a compromise and a final consensus developed that will, in fact, contribute to the needs of California.

Mr. Speaker, I rise in strong support of H.R. 2828, the Water Supply, Reliability, and Environmental Improvement Act and commend the leadership of my subcommittee Chairman KEN CALVERT and Ranking Member GRACE NAPOLITANO for bringing this important legislation to its place on the floor today.

I also want to recognize the very significant role that the senior Senator from California has played in developing and moving a counterpart bill in the Senate on a parallel track, paving the way for a bill to become law later this year.

This bipartisan water bill has been long in the making. Federal authorization for funding the Calfed Bay-Delta Program, commonly referred to as CALFED, expired in 2000—the same year that a consortium of Federal and State agencies issued a Record of Decision (ROD) setting forth a 30-year plan for CALFED.

Since 2000, various versions of reauthorizing legislation have been under consideration by the Congress. Until today, however, none of the earlier versions was able to reach the House floor.

The fact that today we finally have a bipartisan CALFED bill on the House floor reflects the long and arduous process of seeking input, balancing interests and making compromises. Many, many stakeholders were consulted in the development of this bill, including representatives of agricultural, urban, environmental, fishery, and business interests. None of them are likely to say that this is the "perfect" bill from their individual perspectives. But the bill we now have before us represents a constructive effort to forge a thoughtful and balanced approach to the management of California's water supplies. It deserves our support today.

A sound bill when it was introduced last year, H.R. 2828 improved when it was marked up by the Resources Committee on May 5, and several provisions of Senator FEINSTEIN's bill were incorporated. Additional refinements to the legislative language have been included in today's managers' amendment, enhancing the prospects for an expeditious conference with the Senate and enactment this year.

Many in this body are aware of the legal conflicts and tensions that have evolved over the years on California water issues. The intent of this bill is to reduce those conflicts and tensions by providing guidance and authority for improving water supply reliability and water quality, while at the same time enhancing the environment. The bill recognizes the CALFED 2000 Record of Decision as the framework for implementing the program, and ensures that implementation moves ahead on a balanced basis.

There are many important provisions in the bill. I will comment on only a few of them.

For those of us in the Central Valley of California, this bill provides important assurances of improved conveyance of water supplies through the Delta. It authorizes evaluation and construction of much-needed new barriers and interties. It also recognizes the importance of

improving drainage in south Delta channels to minimize impact on drinking water quality. It thus requires implementation of a program to meet water quality standards in the San Joaquin River and the Delta prior to increased pumping or deliveries.

The bill is designed to give the Secretary more flexibility in meeting water quality standards in the Delta while reducing the reliance on the New Melones Project for meeting water quality and fish flows standards. To help meet this goal, the Secretary is authorized to use a variety of tools, including the purchase of water from willing sellers on the tributaries of the San Joaquin River. The legislation further allows the Secretary to use the CVP Restoration Fund to help pay for these water purchases and other designated actions.

It is important to recognize that water purchases and the use of the Restoration Fund monies are merely tools that the Secretary may use to achieve a goal. They are not mandates that supercede existing water rights or water supply contracts or replace existing Restoration Fund priorities. The Program to Meet Standards created by H.R. 2828 does not give the Secretary any new authority to acquire or re-allocate water from anyone but willing sellers.

On another issue—that of cost allocation—the Committee report on H.R. 2828 makes clear that the costs of implementing the CALFED program are to be allocated in a way that relates directly to benefits to be received. This “beneficiaries pay” principle precludes the imposition of water-use fee, tax or surcharge that would force water agencies or individuals to pay for CALFED projects or programs from which they do not benefit. Nothing in this legislation provides the basis for the imposition of such a fee or tax.

Some critics of this bill are claiming that it cedes congressional authority over water storage projects. I wish to make it clear that such a claim is not true.

The bill does give the Secretary blanket authority under the framework of the CALFED program to undertake feasibility studies for water storage projects. Such an authorization makes sense, given the fact that a Record of Decision for the CALFED program has already been issued and the extensive Federal-State-stakeholder consultation process within CALFED itself provides for due deliberation of project proposals.

If as a result of a specific feasibility study, the Secretary determines that a particular project is indeed feasible, the Secretary cannot simply move ahead, but first must submit a report to Congress identifying project benefits and beneficiaries and a cost allocation plan. Congress then has 120 legislative days—not calendar days, but legislative days—to consider the report and recommendation, and pass a disapproval resolution if we disagree with the Secretary's recommendation. Such a disapproval resolution procedure, as we all know, is not an uncommon procedure for congressional oversight of proposed administration actions. In addition to the 120-day layover period, congressional approval through the enactment of appropriations for the project must occur. We all know this is no small step.

So the bill does delegate more authority to the Secretary at the beginning of the feasibility process, enabling proposals to be explored and developed on an expeditious basis, but

still retains the ultimate congressional authority to stop any particular water storage project as well as to determine its appropriations, if any. This process is thus a bit streamlined from the existing procedures for water storage projects. However, it provides adequate safeguards for congressional prerogatives while enhancing the expeditious consideration of worthy project proposals.

Before closing, I wish to thank the staff of the Water and Power Subcommittee, on both sides of the aisle, for their hard work and cooperation in helping us arrive to this point today. Their openness and professionalism are deeply appreciated by me and my staff.

Mr. Speaker, passage of this legislation is long overdue. If we are to have any chance of CALFED being reauthorized in this session of Congress, we must pass this bill today and forward it to the Senate for its consideration. I urge my colleagues to support this bill and vote “aye.”

Mr. CALVERT. Mr. Speaker, I yield 3½ minutes to the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Speaker, in California, wine is for drinking and water is for fighting. The gentleman from California (Mr. POMBO) and the gentleman from California (Mr. CALVERT) and the gentlewoman from California (Mrs. NAPOLITANO) have done a Herculean job task of putting together all the interests in California in a water bill that is supported by just about every interest group out there, and that was an incredible task. That is why I am a proud co-sponsor and supporter of H.R. 2828.

The central valley of California comprises the largest agriculture producing county in the Nation, where over 250 of California's crops are grown. With its fertile soil and temperate climate, the valley produces 8 percent of the ag output of the United States on less than 1 percent of the Nation's total farmland. Valley farmers alone grow nearly half the fresh fruits and vegetables grown in the entire Nation.

The most fundamental challenge facing California's Central Valley is assuring adequate long term supplies of water to meet the demands of the agriculture, environmental and urban water needs. A dependable and affordable water supply is necessary to meet the long term needs of the State. The key to providing this water supply is adequate storage facilities to hold water in times of surplus for use during water shortages.

With H.R. 2828, California will have a more reliable and efficient water supply, and water throughout the west will be more stable because California will have the tools necessary to provide for its own water. Specifically, among other projects, H.R. 2828 allows for the continued storage studies in the Upper San Joaquin River and will provide critical water storage in the region that I represent.

The legislation also makes progress towards balance in CALFED Bay Delta program by underscoring the need for new surface storage facilities, as well as ensuring improved water quality

and providing continued support for ecosystem restoration activities.

There are a few provisions which I would like to clarify in the RECORD if I may. The first of these pertains to CALFED fees. H.R. 2828 sanctions the principle of beneficiary pays, and I support this standard. This means exactly what it says. Those who benefit from a CALFED project or program should pay for what they receive. It also means that those who do not benefit from CALFED programs and projects should not have to pay for the fees.

The legislation does not authorize or impose water diversion fees, charges or taxes on CALFED beneficiaries and non-beneficiaries. Such charges go against the beneficiaries pay principle of this bill and the CALFED record of decision, and this is the clear intention of the House Committee on Resources when it reported H.R. 2828.

The second issue I would like to clarify is the new program to meet standards which was created to give added flexibility to the Secretary of the Interior to meet existing water quality standard in the Delta. For the record, I wanted to state that nothing in H.R. 2828 requires water users in the San Joaquin River and its tributaries to provide more water or more money than they are currently providing to meet existing water quality standards and fishery objectives. Nothing in the legislation authorizes the Secretary to make involuntary acquisitions of water from the central valley project contractors or water rights holders on the tributaries of the San Joaquin.

Finally, nothing in the bill gives the program to meet standards a higher priority to receive funding for the restoration fund than existing programs and projects supported by the fund.

With that, Mr. Speaker, I encourage my colleagues to support the passage of H.R. 2828.

Mrs. NAPOLITANO. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Speaker, I rise in support of H.R. 2828, the Water Supply Reliability and Environmental Improvement Act known as the CALFED, a historical giant step in improving the quantity and quality of water in California.

CALFED is a State and Federal partnership formed to increase water storage and improve water reliability. It is crucial to the future of the home of the State of California. Without clean water or enough water, there can be no development of jobs and housing, I state no development of jobs and housing. And without clean water, my children, my grandchildren or any child cannot enjoy normal, healthy lives.

I am proud to be a co-sponsor of this legislation. I commend the gentleman from California (Mr. CALVERT). I commend the minority leader, the gentlewoman from California (Mrs. NAPOLITANO). I am also proud that this legislation includes the environmental justice language that I promoted. This

bill states that environmental justice a goal of CALFED, making sure that everyone, regardless of race or income deserves the same protections for environment and health hazards.

I recommend and I ask my colleagues to support this legislation. CALFED provides a means to respond to rapid population growths, especially in my area, in my district. California deserves to have a good quality of water and a good quantity of water. And it will help the State of California improve.

Mr. CALVERT. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I rise to again extend congratulations, as I did earlier, to my colleagues. I have lived in California since I was a freshman in college since 1971. I remember very vividly during the past 3 decades the constant struggle that has gone on between north and south over this issue of water, the battles over the Colorado River water. And this notion of coming to some kind of reconciliation on a partnership between the State of California and the Federal Government is something that many believed could never ever happen.

Because of the leadership of my colleague, the gentleman from California (Mr. CALVERT), working under the gentleman from California (Mr. POMBO) as chairman of the Committee on Resources, and closely with the gentlewoman from California (Mrs. NAPOLITANO), and I have seen so many Californians involved in this debate here on the House floor. The gentleman from California (Mr. DOOLITTLE) was speaking earlier, and I saw the gentleman from California (Mr. NUNES) talking, and I know we have a couple of people in our delegation who are not on board.

But the fact of the matter is we have been able to, I believe, bring together an overwhelming majority of Democrats and Republicans from California to deal with this very important and pressing need.

Remember, Mr. Speaker, there are 35 million people in our State. And I know that there are a lot of people around here who are not as crazy about California as those of us who represent it, but the fact of the matter is, California, is the largest State in our union, and virtually everyone around the country has some kind of tie to California.

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So it is important for us to, as a body and as a government, address this very important need; and so I thank, again, my friend, the gentlewoman from California (Mrs. NAPOLITANO), who has worked so tirelessly. I was very honored to be at a water treatment facility that we have had as we worked to-

gether to deal with groundwater contamination in the area that the gentlewoman from California (Mrs. NAPOLITANO) and I represent with the discovery of per chlorate, which has created very serious problems. We have come together in a bipartisan way to address water issues, and passage of this legislation is going to be a great testament to the bipartisanship of our delegation.

Mrs. NAPOLITANO. Mr. Speaker, I yield 1½ minutes to the distinguished gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Speaker, I would like to acknowledge also the great work of the gentleman from California (Mr. CALVERT), the chairman, and the gentlewoman from California (Mrs. NAPOLITANO), the ranking member, for their tireless efforts in bringing about a much-needed piece of legislation. These two leaders have done a yeoman's job for us in bringing H.R. 2828, and they have come to my district many times to hold hearings on this issue of water.

I would like to specifically thank the chairman and the ranking member for including the strong water use efficiency section in H.R. 2828. This section will meet my community's strong demand for water supply and reliability, not by taking more water from the Bay-Delta ecosystem, not taking more water from the Colorado River in our neighboring States, but from recycling and cleaning up Southern California's existing water supply and investing in sea water desalination projects.

H.R. 2828 specifically clarifies that in addition to recycling and desalination projects, groundwater cleanup projects for contaminants such as per chlorate, nitrates, and volatile organic compounds will qualify for CALFED program funding.

Continued Federal investment in desalination technology, such as the one in Long Beach, will verify and further develop energy savings and optimize the process so that it can be enlarged and duplicated throughout the United States.

The Long Beach Water Department's desalination pilot plant is on the cutting edge, and I am looking forward to seeing this technology fully developed.

Again, I support and commend these two for their outstanding work.

Mr. CALVERT. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means.

(Mr. THOMAS asked and was given permission to revise and extend his remarks.)

Mr. THOMAS. Mr. Speaker, I would like to take my short time to address all those Members of the House of Representatives who are not from California. They do create a majority in this body after all.

We have a rather unique situation with the chairman of the full committee from California, the ranking member of the subcommittee from

California, and the chairman of the subcommittee from California; but that is not what is important.

What is important for my colleagues not from California to understand is this is a State of more than 30 million people that has a significant impact on the economy of the United States and, frankly, the quality of life in the United States.

In the 1930s, the Federal Government began developing the water resources on the east side of California. Californians in the 1960s took the responsibility on themselves to build a multi-billion dollar water project on the west side of California.

They have been discussing CALFED. The State and the Federal Government water projects have never been coordinated, and the resources of California have never been maximized for the benefit both of the environment and the economy and individuals.

Our colleague, the gentlewoman from California (Mrs. NAPOLITANO), talked about the fact that as other States, Arizona and others in the area of the Colorado River, have gained population, California is using a source of water that we have relied on for a long time. This is the first time that we have not had a partisan fight; that we are not going to have a regional fight; and that California has come together to begin to solve the water problems of the largest State in the Union.

I would ask my colleagues, if they are not from California, witness the bipartisanship, witness finally in California the understanding that north and south need to work together, and please, give us a strong vote on this legislation which is important to California and important to the United States.

Mrs. NAPOLITANO. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, I regretfully rise in opposition to the bill as it currently is constructed; and as a Californian, I fully understand the urgent need to pass legislation to reauthorize CALFED; but if we fail to reauthorize this program, we will sacrifice millions of dollars scheduled to go to important water infrastructure projects. But in its current form, this legislation will jeopardize the delicate balance of water interests in California that we have worked so hard to achieve and make it more difficult for us to reauthorize CALFED.

Instead of codifying the Record of Decision that was agreed to in the CALFED process, this bill disrupts the balance that it created. This bill sets the dangerous precedent of authorizing large-scale projects before they have undergone comprehensive review and analysis. The preauthorization language is bad policy and bad politics.

The gentleman from California (Mr. GEORGE MILLER), the gentleman from West Virginia (Mr. RAHALL), and I will offer a motion to recommit this bill

that would strip the preauthorization language from the legislation. I urge my colleagues to support the motion so that we can pass a CALFED bill this year and get it signed by the President.

Mr. CALVERT. Mr. Speaker, I yield myself what time I may consume for a short comment.

Congressional approval of water projects from planning through construction is not a new concept. The Corps of Engineers has authority through the Water Resources Development Act, WRDA, to implement projects following a favorable Chief's, or some people call it feasibility, report.

Through WRDA, Congress approves projects from planning through construction, subject to the conditions stated in a favorable Chief's report. Numerous examples of the corps' projects can be found in WRDA 1996, WRDA 1999, and WRDA 2000 which authorize construction following a favorable Chief's report.

In the last three WRDAs, over 50 projects were approved from planning through construction, with conditional authorization subject to a favorable Chief's report. New projects were conditionally authorized, and there were additional project modifications that were conditionally authorized.

WRDA projects conditionally authorized included the Bel Marin Keys Unit, California, well over \$100 million; Kill Van Kull, New York and New Jersey navigation project, \$325 million authorization to \$750 million; the Savannah Harbor Expansion navigation project \$230 million, and I can go on and on and on.

Are my colleagues saying we should replace the 120-day congressional authorization which is in the present bill with extensively used WRDA language that Congress has accepted and continues to support?

H.R. 2828 includes provisions that approve water recycling projects from planning through construction which was proposed by the Southern California Democrats. By the way, these four projects that are in this bill are in the Record of Decision which has been negotiated over the years, as all my friends know, and a very difficult negotiation, to bring this process of CALFED in a balanced manner forward.

So I would say to my colleagues, this is nothing new. People would like to see these projects built if, in fact, they are feasible; and all the environmental processes, NEPA, CEPA, Endangered Species Act, et cetera, et cetera, et cetera, must be met to make sure that these projects are viable and feasible under the law.

Mr. Speaker, I reserve the balance of my time.

Mrs. NAPOLITANO. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentlewoman

for yielding time to me, and I want to commend her for her work on this legislation, also to the gentleman from California (Mr. CALVERT) for all of his work on this legislation.

Regretfully, I must oppose this legislation because I think at the moment, as this is currently drafted, this legislation fails to address what is, I believe, a fatal defect. Not only do I think it will delay the consideration of this legislation for a successful passage through the Congress, I also believe that it has a very real possibility of throwing much of this legislation back into the court, something we are trying to avoid with the CALFED process, and that is, the preauthorization of future California water projects.

I appreciate what the gentleman said about WRDA; but I think if he takes a close look at WRDA he will find, in fact, it is a much different process than what we envision here. In fact, the language of this legislation says that virtually any water project or water supply or water yield can move into construction after a feasibility study. It does not say a favorable report, as it says in the WRDA or the Chief's. It simply says if you have the feasibility study, you can move on; and I think what, in fact, we will see is that those people who are critics of many of the projects that all of us support in this legislation will start to raise Cain at the local level about the process being rigged.

They will take this to the courts, take this to the bow, and we will go through a process that is just going to be unacceptable in terms of meeting the goals that the gentleman from California (Mr. CALVERT) and the gentlewoman from California (Mrs. NAPOLITANO) have for this legislation.

The SPEAKER pro tempore (Mr. THORNBERRY). The Chair would inform the House that the gentleman from California (Mr. CALVERT) has 11 minutes remaining. The gentlewoman from California (Mrs. NAPOLITANO) has 21 minutes remaining.

Mrs. NAPOLITANO. Mr. Speaker, I yield 1½ minutes to the distinguished gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I would like to enter into a colloquy with the gentleman from California (Mr. CALVERT).

I rise in support, full support and strong support, of H.R. 2828. I think maximizing the use of our limited water resources in California is an issue that is close to my Orange County district, and it is close to me.

In fact, the gentleman from California (Mr. GARY G. MILLER) and I are the sponsors of a bill, H.R. 1156, which would allow Orange County to complete its revolutionary Groundwater Replenishment System. That system would create a new water supply of 72,000 acre feet per year and serve 2.3 million residents of the north and central portion of Orange County.

The bill would increase the authorized Federal share for this project from

\$20 million to \$80 million, and I would like to inquire if the Chairman continues to support this very important bill that, unfortunately, is not in this good CALFED bill, but which is very important to Orange County.

Mr. CALVERT. Mr. Speaker, will the gentlewoman yield?

Ms. LORETTA SANCHEZ of California. I yield to the gentleman from California.

Mr. CALVERT. Mr. Speaker, I thank the gentlewoman for her support and inquiry.

As the gentlewoman knows, I strongly support recycling as a way to reduce Southern California's dependence on imported water and help drought-proof the region. That is why I supported H.R. 1156, a bill championed by our colleagues, the gentleman from California (Mr. ROHRBACHER), whose district includes the Groundwater Replenishment System, and the gentlewoman here today from the 47th district.

I am fully supportive of House passage of H.R. 1156, H.R. 2991, introduced by our colleague the gentleman from California (Mr. DREIER), and other recycling bills reported by the House Committee on Resources, but I know that it is up to the leadership on both sides of the aisle to determine which bills are debated on the House floor.

In the meantime, I will continue to strongly support H.R. 1156, and I thank the gentlewoman's support for H.R. 2828.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I ask the support of our colleagues for this bill on the floor today.

Mrs. NAPOLITANO. Mr. Speaker, I am pleased to yield 1½ minutes to the distinguished gentleman from Southern California (Mr. FILNER).

(Mr. FILNER asked and was given permission to revise and extend his remarks.)

Mr. FILNER. Mr. Speaker, I rise to engage in a colloquy with the gentleman from California (Mr. CALVERT), the chairman, on an issue which I would hope to have seen more about in this bill, and that is the restoration of the Salton Sea.

As we know, an earlier version of the bill provided for a feasibility study and \$300 million in restoration funds. We all know about the importance of the Salton Sea in our ecology and in our economy. It is critical for the Pacific flyway for migratory birds, as well as the Colorado River's delta, and is home to a variety of wildlife, including fish, birds, microbes, and wetlands species. The sea also provides many recreational opportunities such as camping, bird watching, fishing, boating, hiking, hunting, and off-roading.

If the sea were no longer able to support life, it would cause irreparable harm to Southern California's ecosystem and economy.

The Salton Sea lies mostly in my district in Southern California. It is the third largest saline lake in the nation, and the largest inland body of water west of the Rockies. The Sea

is an important natural resource, one that is valued not only by residents of the area, but also by the many who come from around the country to enjoy its bounty.

The Salton Sea does not have an outlet to keep the water fresh, so as water evaporates from the saline lake, the salt left behind continues to concentrate. As the salinity of the Sea continues to rise, and the environmental quality continues to decline, it will no longer be able to support life and will begin to die. If that were to happen, it will cause irreparable harm to Southern California's ecosystem and economy.

The surrounding areas of the Coachella and Imperial Valleys rely on the Sea to support their agricultural and recreational economies. I share the concerns of many about what might occur if the elevation of the Sea drops, becomes too saline to support fish or birds, and further impairs air quality due to blowing sediment.

The Salton Sea is also an essential link in increasing and diversifying our domestic water resources, and therefore needs funding for restoration. A recently signed federal water transfer agreement between Southern California water agencies will reduce flows to the Salton Sea. While the water transfer will assist Southern California in staying within its Colorado River water allocation, inflows to the Sea may be reduced dramatically. With that diminished amount of inflow, the Salton Sea presents a particularly difficult challenge in protecting and restoring it, while at the same time reducing California's use of Colorado River water.

The gentleman from California (Mr. CALVERT) has been very supportive of the Salton Sea and has been involved in this issue for well over a decade.

I would like to inquire as to further support of the Salton Sea as part of the CALFED legislative process, and would ask for the gentleman to comment on that.

Mr. CALVERT. Mr. Speaker, will the gentleman yield?

Mr. FILNER. I yield to the gentleman from California.

Mr. CALVERT. Mr. Speaker, I thank the gentleman for his support of the Salton Sea. I would like to assure him that I and many of our Southern California colleagues, including the gentlewoman from California (Mrs. BONO) and certainly the gentleman from California (Mr. HUNTER), continue to strongly support the restoration of the Salton Sea, and we will work with him and others in our delegation to continue these efforts.

Mr. FILNER. Mr. Speaker, I thank the distinguished gentleman and look forward to that work and urge support of the bill.

□ 1230

Mr. CALVERT. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Speaker, I rise today to enter into a very brief colloquy with the chairman of the subcommittee; that being, does this bill change existing law as it relates to area of origin?

Mr. CALVERT. Mr. Speaker, will the gentleman yield?

Mr. OSE. I yield to the gentleman from California.

Mr. CALVERT. Mr. Speaker, the answer to the gentleman's question is: No.

Mr. OSE. Mr. Speaker, I thank the gentleman.

Mrs. NAPOLITANO. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CARDOZA).

Mr. CARDOZA. Mr. Speaker, I rise today to urge my colleagues to support an issue that has been addressed in this House for nearly a decade yet has never made it quite this far before today. This is an enormous accomplishment and I applaud my colleagues, the gentleman from California (Mr. POMBO), the gentlewoman from California (Mrs. NAPOLITANO), and our subcommittee chairman, the gentleman from California (Mr. CALVERT), as well as our esteemed Senator from California, Senator FEINSTEIN, for overcoming numerous hurdles that have prevented this issue from passing in recent years.

This is an immense amount of work from both sides of the aisle and both Chambers that has gone into this measure; and, finally, we are poised to formalize our commitment to ensuring a safe, reliable water supply for California.

This proposal will greatly strengthen California's agricultural economy as well as address the needs of a fast-growing population, while at the same time maintaining our commitment to the environment. In fact, I believe this bill strongly enhances the environment and, in particular, the Delta of California.

This delicate balance, while difficult to achieve, is critical to the success of CALFED. In my mind, the true test of the value of the bill is whether it has achieved a level of compromise. While no one is completely satisfied with this measure, everyone's concerns were considered and addressed. This measure passes the test by leaps and bounds. This bill has brought together parties that in the past have had conflicts that have just torn the State apart. These stakeholders have worked diligently now for years to develop some creative opportunities for additional conveyance, while addressing some of the extremely tough water quality and water supply challenges in California.

Mr. Speaker, time is of the essence. If the Federal Government does not act now on this legislation, the future of CALFED and our agricultural economy and viability hangs in the balance. I believe that those of us who have pushed for additional surface storage are finally being heard. These projects are critical to California's future and must move forward now without pure obstructionists standing in the way.

This is a good bill for the environment, this is a good bill for the economy, and it is a good bill for California. I urge my colleagues to vote "aye."

Mrs. NAPOLITANO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have been going through trying to get reauthorization for CALFED for a number of years and have been unable to because of the differences of opinions from many areas of needs. I think it is time that we move forward and begin to work on getting this CALFED passed, which has had a lot of give on the side that we have been working on, and for that, I thank the chairman.

We look forward to making sure that we continue to work on anything else that some of my colleagues might want on another venue, and I certainly would urge all my colleagues, Democrat and Republican, to vote for this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. CALVERT. Mr. Speaker, I yield myself such time as I may consume to close, and I want to again thank the gentlewoman from California (Mrs. NAPOLITANO) for her good work and her dedication on this legislation. She spent many hours and much of her time traveling through the State of California and throughout the western United States as we came to understand the issue of water.

There are very few subjects that bring out more emotion and passion than water, and certainly I have grown to understand the subject much better over the last number of years. I am looking forward to passing this bill today and moving ahead.

Mr. HERGER. Mr. Speaker, I rise today to oppose the bill offered by my good friend from California and Chairman of the Resources Subcommittee on Water and Power, Congressman KEN CALVERT.

Mr. Speaker, on balance, H.R. 2828 is not a good bill for rural Northern California. While it takes some positive steps forward to improve the administration of CALFED by instituting greater financial accountability and ecosystem reporting requirements, it still allows the implementation of an expensive, and ill-advised program that has not produced storage nor positive results for Northern California. The bill basically adopts and focuses on the CALFED Record of Decision (ROD) as a framework, which does not provide a comprehensive water solution for the State. CALFED has always been heavily weighted toward ecosystem restoration and increasing exports from the Delta. I don't see that changing sufficiently under this bill. New storage under CALFED has been only empty promises, and the language in H.R. 2828 doesn't ensure otherwise. The state should take a new direction that places a greater emphasis on water storage and constrains the ability of state and federal agencies to buy more land and water. In short, there is not much to be gained, but much to be lost under H.R. 2828 for our area. As such, I strongly oppose it.

I originally supported the CALFED program in concept. Recognizing the very serious water challenges facing our state, I shared the view held by many other Members of Congress from California that such a joint state-federal program could provide an opportunity for developing a framework to solve our water woes for the long-term. Unfortunately, rather than providing a realistic solution to allow the water

interests in the state to “get well together,” as CALFED had originally promised, the program has become heavily weighted toward ecosystem restoration and focused on buying land and water to shift around already constrained water supplies, rather than on developing new water storage to meet our state’s growing water needs. In addition, there has never been sufficient local control. Instead, federal agencies have been empowered to make important decisions about land and water resources impacting communities.

California faces a water deficit of potentially crisis proportions. The water supply in the state is already stretched to its practical limits. To put the current situation in perspective, recognize that the State Water Project was constructed when California’s population was only 16 million people. Today it is over 34 million, and growing at a rate of roughly 600,000 new citizens a year. Yet California’s water supply yield has increased by a mere 2 percent over the last 20 years. And the California Water Plan Update, Bulletin 160–98 from a few years ago indicates that existing supply shortages will get appreciably worse over the next 20 years as the state’s population continues to increase. Water deficits are projected to reach approximately 2.4 million acre feet in an average water year and 6.2 million acre feet in drought years by the year 2020. If history is any guide, Californians are likely to face major drought conditions not unlike the 500-year drought that is currently plaguing the Colorado basin states some time in the near future. Yet despite this pending crisis, the central focus of the CALFED program has been a plethora of costly environmental projects and plans to increase ability of the State and Federal water projects to move more water to Southern California.

CALFED has failed to make the hard decisions necessary to meet this incredible challenge. While it publicly recognizes water shortfalls, the storage solutions it has proposed will not provide sufficient supply benefits. A new Sites Reservoir, raising Shasta Dam and augmenting Los Vaqueros could be essential pieces of our water puzzle, but my concern is they really won’t inject significant additional water “yield” into the system. CALFED has taken solutions such as an Auburn Dam, a Yuba Dam, and other on-stream reservoirs off the table because of the environmental controversy they might cause, despite the fact that they present opportunities for new cost-effective water supplies, and provide other benefits like flood control, electricity generation and recreation.

Our current situation is so desperate, and the possible impacts to the economy and public safety of another sustained drought so horrific, that we’re not in a position to take these options off the table because they’re politically unpalatable. To the contrary, we should be vigorously pursuing them, setting deadlines and goals, streamlining environmental review requirements, and updating federal laws to ensure cost-effective, feasible projects will actually be built and provide water to communities and farmers. Yet, despite several years and millions of dollars of investments from the state and federal government, CALFED has only studied and restudied a limited number of small storage options, without moving the ball down the field. Meantime, our water needs continue to grow dramatically. Fundamentally, when the problem is too many people and not

enough water, I believe the answer is to create additional water storage, not sacrifice some parts of the state, including California’s thriving agriculture industry, so others can get better. Carving up and reallocating an already constrained water system will not allow everyone to “get well together.”

The “Water Supply, Reliability and Environmental Improvement Act” takes some positive steps forward in some areas, and will institute some accountability into a program that desperately needs it. For example, CALFED has spent taxpayer dollars without Congress or the public knowing or understanding where those funds have gone, and what the benefits for the state have been. H.R. 2828’s financial reporting requirements will help Congress better track those expenditures. In addition, the annual reporting requirements for ecosystem restoration provided for in the bill will help Congress better monitor those projects, including land and water purchases. The bill also clarifies that local fish screen projects are a legitimate and helpful way to help local farmers meet federal and state endangered species requirements. I believe each of these program changes represent positive steps forward.

That being said, I do not feel this bill goes far enough to fix a program that is fundamentally flawed and moving in the wrong direction. While its expedited “preauthorization” process for CALFED storage projects elevates storage as a principle and could set an important new precedent for future infrastructure development, it appears to authorize only those projects approved pursuant to the CALFED ROD. I have long argued that CALFED’s storage proposals are woefully insufficient to address our state’s water needs. According to some estimates, a small Shasta raise, a new Sites Reservoir and a project at Los Vaqueros—the CALFED ROD’s storage projects—the approximate yield would be only about 300,000 acre feet—far short of addressing a water shortfall in the millions of acre feet.

The bill also does not require expedited consideration for these projects. We have seen time and again how CALFED has dithered and stalled in pursuing new storage. In my view, a responsible CALFED should set hard and fast deadlines and move storage forward on an aggressive schedule. Moreover, the federal environmental review process, as we have seen on forest health projects, can take years and cost millions of dollars, only to be obstructed in the end by radical environmentalists through appeals and court challenges. The bill does not recognize and address those hard realities. In my view, it doesn’t do enough to streamline the environmental review process, or to address the obstacles that unbalanced environmental laws are likely to pose to their ultimate development.

There is nothing in the bill to prevent CALFED agencies from continuing to purchase land and water as proposed in the ROD. Indeed, the bill explicitly authorizes the purchase of land and water as an acceptable CALFED activity under existing authority. And while there are reporting requirements, the impetus is on Congress to specifically defund these agency-approved acquisitions, rather than on the agencies to ask Congress to specifically approve and justify them. Because of the community impacts and private property rights concerns of additional land and water

acquisitions, it should be the other way around.

I am also concerned by proposals to place the burden of CALFED funding on the shoulders of Sacramento Valley water users, but I understand Chairman Calvert has attempted to address that issue. In accordance with language contained in the report accompanying H.R. 2828, the “beneficiary pays” principle specifically applies to direct beneficiaries of projects that improve the Delta. According to this principle, project participants in the CALFED solution area are not considered direct beneficiaries of the CALFED program. Therefore, Sacramento Valley water users who participate in projects to improve the Delta are not subject to any fees or taxes imposed on beneficiaries of the CALFED program.

In closing, something needs to be done—and soon—about the water situation in California. It is only getting worse with each passing day. Today’s legislation takes some positive steps forward and I commend my colleagues for their efforts in this regard. However, I fear that the task at hand is so great that unless stronger and more aggressive changes are made to the CALFED program, the state will fail to meet today’s and tomorrow’s infrastructure challenges.

Mr. SMITH of Michigan. Mr. Speaker, I oppose H.R. 2828, the California Water Bill because it preauthorizes wasteful projects.

It forces federal taxpayers to pick up more than a \$1.5 billion tab for a California-only project. It would not prevent taxpayers from getting stuck with the cost for large water projects, and would open the Federal treasury to raids by disingenuous water users. H.R. 2828 would “preauthorize” major water projects. A “yes” vote on H.R. 2828 would mean Congress gives up its long-standing right to have a say over taxpayer funded projects. Why should the rest of the country pay for California’s water problem? They have 35 million taxpayers to pay for it.

Mr. DREIER. Mr. Speaker, I rise today in strong support of the Water Supply, Reliability and Environmental Improvement Act, H.R. 2828, widely known as CALFED. The mission of the CALFED Bay-Delta Program is to develop and implement a long-term comprehensive plan that improves water management for beneficial uses of the Bay-Delta System. The San Francisco Bay/Sacramento-San Joaquin Delta Estuary, the Bay-Delta, is a region of critical importance to California, often described as the hub of the State’s water supply system.

The authorization of the CALFED program has been a priority for California and its neighboring States for many years. And while the existing program has accomplished a great deal in managing our water supply and improving the ecosystem of the Bay-Delta, this bill provides the comprehensive Congressional accountability it has been lacking. H.R. 2828 provides the authority for Federal agencies to fully engage in a partnership with the State of California and the stakeholders of the CALFED program.

We have also long recognized the importance of improving management and coordination of existing water supply projects for meeting present and future water demands. Preserving and enhancing the ecosystem, while developing new sources of water for growing consumptive needs, and allocating existing

supplies to meet changing demands, is a great challenge.

This challenge was met head on by the House Resources Committee under the leadership of Chairman RICHARD POMBO, and Subcommittee on Water and Power Chairman KEN CALVERT. I congratulate both of them for their extraordinary work in achieving this level of negotiation, compromise, and support. What is even more remarkable is that the work produced by Mr. CALVERT will be voted on today without any amendments offered to it on the House floor, with the exception of the substitute that he crafted. This is a testament to his tenacity in providing Californians with the best water plan possible.

I also know that Mr. CALVERT and this legislation have widespread support back home in California, beginning with Governor Arnold Schwarzenegger. One of his first acts as then Governor-Elect in late October, 2003, was to send a strong letter of support for CALFED legislation to Congress expressing his desire to see Mr. CALVERT's legislation succeed and making CALFED authorization a priority for the State.

H.R. 2828 will provide a long-term comprehensive plan to address challenges in the Bay-Delta region by balancing water resource management issues including supply, quality, and ecosystem restoration. I strongly urge my colleagues to vote for the Water Supply, Reliability and Environmental Improvement Act.

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased that today the House is considering H.R. 2828, the Water Supply Reliability, and Environmental Improvement Act.

This bill reauthorizes the CALFED Bay-Delta Program, a Federal-State cooperative effort to manage water resources in California.

The purpose of the program is to increase the supply of available water for municipal, agricultural, and industrial use, and to engage in watershed restoration.

Water is a very precious resource, particularly in the West.

The supply of water is governed by State law. However, many Federal and State programs and projects also manage water resources and impact water supply.

Eighteen Federal and State agencies are partners in the CALFED program. Two of those agencies, the Environmental Protection Agency and the Army Corps of Engineers, fall under the jurisdiction of the Transportation and Infrastructure Committee.

EPA has some existing authorities that can help meet the goals of the CALFED program. The Corps also has many water resources development projects either under study or under construction in the Bay-Delta area, including the Sacramento/San Joaquin river basins comprehensive study.

This legislation does not authorize any EPA programs or Corps projects, even if a project is specifically mentioned in the August 28, 2000, programmatic record of decision that H.R. 2828 establishes as the general framework for addressing the CALFED program.

EPA and Corps activities in furtherance of the CALFED program must fall under existing authorities and nothing in this bill changes those authorities, or directs the USA of EPA or Corps funds.

Additional Corps projects in the Bay-Delta area may be authorized later, but those projects will go through the regular Corps of Engineers feasibility study process and regular

authorization process in a water resources development act.

This does not mean that EPA and the Corps are not full participants in the CALFED program. In carrying out existing programs and projects, EPA and the Corps will coordinate their activities with all the Federal agencies participating in CALFED, and the State of California.

I congratulate Mr. CALVERT and Mr. POMBO for bringing this legislation to the House floor. It has been a long time coming and reflects a lot of hard work by many Members.

I urge all Members to support this bill.

Mr. CALVERT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. THORNBERRY). All time for general debate has expired.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. CALVERT

Mr. CALVERT. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. CALVERT:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Water Supply, Reliability, and Environmental Improvement Act".

TITLE I—CALIFORNIA WATER SECURITY AND ENVIRONMENTAL ENHANCEMENT

SEC. 101. SHORT TITLE.

This title may be cited as the "California Water Security and Environmental Enhancement Act".

SEC. 102. DEFINITIONS.

In this title:

(1) CALFED BAY-DELTA PROGRAM.—The terms "Calfed Bay-Delta Program" and "Program" mean the programs, projects, complementary actions, and activities undertaken through coordinated planning, implementation, and assessment activities of the State and Federal Agencies in a manner consistent with the Record of Decision.

(2) CALIFORNIA BAY-DELTA AUTHORITY.—The terms "California Bay-Delta Authority" and "Authority" mean the California Bay-Delta Authority, as set forth in the California Bay-Delta Authority Act (Cal. Water Code 79400 et seq.).

(3) ENVIRONMENTAL WATER ACCOUNT.—The term "Environmental Water Account" means the cooperative management program established under the Record of Decision.

(4) FEDERAL AGENCIES.—The term "Federal agencies" means—

(A) the Department of the Interior, including—

(i) the Bureau of Reclamation;

(ii) the United States Fish and Wildlife Service;

(iii) the Bureau of Land Management; and

(iv) the United States Geological Survey;

(B) the Environmental Protection Agency;

(C) the Army Corps of Engineers;

(D) the Department of Commerce, including the National Marine Fisheries service (also known as "NOAA Fisheries");

(E) the Department of Agriculture, including—

(i) the Natural Resources Conservation Service;

(ii) the Forest Service; and

(F) the Western Area Power Administration.

(5) GOVERNOR.—The term "Governor" means the Governor of the State of California.

(6) RECORD OF DECISION.—The term "Record of Decision" means the Calfed Bay-Delta Program Record of Decision, dated August 28, 2000.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(8) STATE.—The term "State" means the State of California.

(9) STATE AGENCIES.—The term "State agencies" means the California State agencies that are signatories to Attachment 3 of the Record of Decision.

(10) WATER YIELD.—The term "water yield" means a new quantity of water in storage that is reliably available in critically dry years for beneficial uses.

SEC. 103. BAY DELTA PROGRAM.

(a) IN GENERAL.—

(1) RECORD OF DECISION AS GENERAL FRAMEWORK.—The Record of Decision is approved as a general framework for addressing the Calfed Bay-Delta Program, including its components relating to water storage and water yield, ecosystem restoration, water supply reliability, conveyance, water use efficiency, water quality, water transfers, watersheds, the Environmental Water Account, levee stability, governance, and science.

(2) REQUIREMENTS.—In General.—The Secretary and the heads of the Federal agencies are authorized to carry out the activities under this title consistent with—

(A) the Record of Decision; and

(B) the requirement that Program activities consisting of protecting drinking water quality, restoring ecological health, improving water supply reliability (including additional storage and conveyance) and water yield, and protecting Delta levees will progress in a balanced manner.

(b) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—The Secretary and the heads of the Federal agencies are authorized to carry out the activities described in paragraphs (2) through (5) in furtherance of the Calfed Bay-Delta Program as set forth in the Record of Decision, subject to the cost-share and other provisions of this title, if the activity has been:

(A) subject to environmental review and approval, as required under applicable Federal and State law; and

(B) approved and certified by the relevant Federal agency to be consistent with the Record of Decision and within the scope of the agency's authority under existing law.

(2) MULTIPLE BENEFIT PROJECTS FAVORED.—In selecting projects and programs for increasing water yield and water supply, improving water quality, and enhancing environmental benefits, projects and programs with multiple benefits shall be emphasized.

(3) BALANCE.—The Secretary shall ensure that all elements of the Calfed Bay-Delta Program need to be completed and operated cooperatively to maintain the balanced progress in all Calfed Bay-Delta Program areas.

(4) AUTHORIZATIONS FOR FEDERAL AGENCIES UNDER APPLICABLE LAW.—

(A) SECRETARY OF THE INTERIOR.—The Secretary of the Interior is authorized to carry out the activities described in subparagraphs (A) through (J) of paragraph (5), to the extent authorized under the reclamation laws, the Central Valley Project Improvement Act (title XXXIV of Public Law 102-575; 106 Stat. 4706), the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and other applicable law.

(B) THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.—The Administrator of the Environmental Protection Agency may carry out the activities described in subparagraphs (C), (E), (F), (G), (H), and (I) of paragraph (5), in furtherance of the CalFed Bay-Delta program, to the extent authorized under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), and other laws in effect on the day before the date of enactment of this title.

(C) THE SECRETARY OF THE ARMY.—The Secretary of the Army may carry out the activities described in subparagraphs (B), (F), (G), (H), and (I) of paragraph (5), in furtherance of the CALFED Bay-Delta Program, to the extent authorized under flood control, water resource development, and other laws in effect on the day before the date of enactment of this title.

(D) SECRETARY OF COMMERCE.—The Secretary of Commerce is authorized to carry out the activities described in subparagraphs (B), (F), (G), and (I) of paragraph (5), to the extent authorized under the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and other applicable law.

(E) SECRETARY OF AGRICULTURE.—The Secretary of Agriculture is authorized to carry out the activities described in subparagraphs (C), (E), (F), (G), (H), and (I) of paragraph (5), to the extent authorized under title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.), the Farm Security and Rural Investment Act of 2002 (Public Law 107-171; 116 Stat. 134) (including amendments made by that Act), and other applicable law.

(5) DESCRIPTION OF ACTIVITIES UNDER EXISTING AUTHORIZATIONS.—

(A) WATER STORAGE AND WATER YIELD.—Activities under this subparagraph consist of—

(i) FEASIBILITY STUDIES AND RESOLUTION.—

(I) For purposes of implementing the CalFed Bay-Delta Program, the Secretary is authorized to undertake all necessary planning activities and feasibility studies required for the development of recommendations by the Secretary to Congress on the construction and implementation of specific water supply and water yield projects, and to conduct comprehensive water management planning.

(II) FEASIBILITY STUDIES REQUIREMENTS.—All feasibility studies completed for storage projects as a result of this section shall include identification of project benefits and beneficiaries and a cost allocation plan consistent with the benefits to be received, for both governmental and non-governmental entities.

(III) DISAPPROVAL RESOLUTION.—If the Secretary determines a project to be feasible, and meets the requirements under subparagraph (B), the report shall be submitted to Congress. If Congress does not pass a disapproval resolution of the feasibility study during the first 120 days before Congress (not including days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) the project shall be authorized, subject to appropriations.

(ii) WATER SUPPLY AND WATER YIELD STUDY.—The Secretary, acting through the Bureau of Reclamation and in consultation with the State, shall conduct a study of available water supplies and water yield and existing demand and future needs for water—

(I) within the units of the Central Valley Project;

(II) within the area served by Central Valley Project agricultural water service contractors and municipal and industrial water service contractors; and

(III) within the Bay-Delta solution area.

(iii) RELATIONSHIP TO PRIOR STUDY.—The study under clause (ii) shall incorporate and revise as necessary the study required by section 3408(j) of the Central Valley Project Improvement Act of 1992 (Public Law 102-575).

(iv) MANAGEMENT.—The Secretary shall conduct activities related to developing groundwater storage projects to the extent authorized under existing law.

(v) COMPREHENSIVE WATER PLANNING.—The Secretary shall conduct activities related to comprehensive water management planning to the extent authorized under existing law.

(vi) REPORT.—The Secretary shall submit a report to the congressional authorizing committees by not later than 180 days after the State's completion of the updated Bulletin 160 describing the following:

(I) Water yield and water supply improvements, if any, for Central Valley Project agricultural water service contractors and municipal and industrial water service contractors, including those identified in Bulletin 160.

(II) All water management actions or projects, including those identified in Bulletin 160, that would improve water yield or water supply and that, if taken or constructed, would balance available water supplies and existing demand for those contractors and other water users of the Bay-Delta watershed with due recognition of water right priorities and environmental needs.

(III) The financial costs of the actions and projects described under clause (II).

(IV) The beneficiaries of those actions and projects and an assessment of their willingness to pay the capital costs and operation and maintenance costs thereof.

(B) CONVEYANCE.—

(i) SOUTH DELTA ACTIONS.—In the case of the South Delta, activities under this clause consist of the following:

(I) The South Delta Improvement Program through actions to accomplish the following:

(aa) Increase the State Water Project export limit to 8,500 cfs.

(bb) Install permanent, operable barriers in the south Delta. The Federal Agencies shall cooperate with the State to accelerate installation of the permanent, operable barriers in the south Delta, with the intent to complete that installation not later than the end of fiscal year 2007.

(cc) Increase the State Water Project export to the maximum capability of 10,300 cfs.

(II) Reduction of agricultural drainage in south Delta channels, and other actions necessary to minimize the impact of drainage on drinking water quality.

(III) Evaluation of lower San Joaquin River floodway improvements.

(IV) Installation and operation of temporary barriers in the south Delta until fully operable barriers are constructed.

(V) Actions to protect navigation and local diversions not adequately protected by temporary barriers.

(VI) Actions to increase pumping shall be accomplished in a manner consistent with applicable law California and Federal protecting—

(aa) deliveries to, costs of, and water supplies for in-delta water users, including in-delta agricultural users that have historically relied on water diverted for use in the Delta;

(bb) the quality of water for existing municipal, industrial, and agricultural uses;

(cc) water supplies for areas of origin, and

(dd) Delta dependent native fish species.

(ii) NORTH DELTA ACTIONS.—In the case of the North Delta, activities under this clause consist of—

(I) evaluation and implementation of improved operational procedures for the Delta

Cross Channel to address fishery and water quality concerns;

(II) evaluation of a screened through-Delta facility on the Sacramento River; and

(III) evaluation of lower Mokelumne River floodway improvements.

(iii) INTERTIES.—Activities under this clause consist of—

(I) evaluation and construction of an intertie between the State Water Project California Aqueduct and the Central Valley Project Delta Mendota Canal, near the City of Tracy; and

(II) assessment of a connection of the Central Valley Project to the Clifton Court Forebay of the State Water Project, with a corresponding increase in the screened intake of the Forebay.

(iv) PROGRAM TO MEET STANDARDS.—Prior to increasing export limits from the Delta for the purposes of conveying water to south-of-Delta Central Valley Project contractors or increasing deliveries through an intertie, the Secretary shall, within one year of the date of enactment of this title, in consultation with the Governor, develop and initiate implementation of a program to meet all existing water quality standards and objectives for which the CVP has responsibility. In developing and implementing the program the Secretary shall include, to the maximum extent feasible, the following:

(I) A recirculation program to provide flow, reduce salinity concentrations in the San Joaquin River, and reduce the reliance on New Melones Reservoir for meeting water quality and fishery flow objectives through the use of excess capacity in export pumping and conveyance facilities.

(II) The Secretary shall develop and implement a best management practices plan to reduce the impact of the discharges from wildlife refuges that receive water from the federal government and discharge salt or other constituents into the San Joaquin River. Such plan shall be developed in coordination with interested parties in the San Joaquin Valley and the Delta. The Secretary shall also coordinate activities with other entities that discharge water into the San Joaquin River to reduce salinity concentrations discharged into the River, including the timing of discharges to optimize their assimilation.

(III) The acquisition from willing sellers of water from streams tributary to the San Joaquin River or other sources to provide flow, dilute discharges from wildlife refuges, and to improve water quality in the San Joaquin River below the confluence of the Merced and San Joaquin rivers and to reduce the reliance on New Melones Reservoir for meeting water quality and fishery flow objectives.

(IV) Use of existing funding mechanisms.—In implementing the Program, the Secretary may use money collected pursuant to Section 3407 of the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4727) to acquire from voluntary sellers water from streams tributary to the San Joaquin River or other sources for the purposes set forth in subclauses (I) through (III) of clause (iv).

(V) The purpose of the authority and direction provided to the Secretary in clause (iv) is to provide greater flexibility in meeting the existing water quality standards and objectives for which the Central Valley Project has responsibility so as to reduce the demand on water from New Melones Reservoir used for that purpose and to allow the Secretary to meet with greater frequency the Secretary's obligations to Central Valley Project contractors from the New Melones Project. The Secretary shall update the New Melones operating plan to consider, among other things, the actions outlined in this Act

designed to reduce the reliance on new Melones Reservoir for meeting water quality and fishery flow objectives and to insure that operation of New Melones Reservoir is governed by the best available science.

(C) **WATER USE EFFICIENCY.**—Activities under this subparagraph consist of—

(i) water conservation projects that provide water supply reliability, water quality, and ecosystem benefits to the Bay-Delta system;

(ii) technical assistance for urban and agricultural water conservation projects;

(iii) water recycling and desalination projects, including groundwater remediation projects and projects identified in the Bay Area Water Plan and the Southern California Comprehensive Water Reclamation and Reuse Study and other projects, giving priority to projects that include regional solutions to benefit regional water supply and reliability needs;

(I) The Secretary shall review any feasibility level studies for seawater desalination and regional brine line projects that have been completed, whether or not those studies were prepared with financial assistance from the Secretary.

(II) The Secretary shall report to the Congress not later than 90 days after the completion of a feasibility study or the review of a feasibility study. For the purposes of this Act, the Secretary is authorized to provide assistance for projects as set forth and pursuant to the existing requirements of the Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-9575; title 16) as amended, and Reclamation Recycling and Water Conservation Act of 1996 (Public Law 104-266).

(iv) water measurement and transfer actions;

(v) implementation of best management practices for urban water conservation; and

(vi) projects identified in the Southern California Comprehensive Water Reclamation and Reuse Study, dated April 2001 and authorized by section 1606 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h-4); and the San Francisco Bay Area Regional Water Recycling Program described in the San Francisco Bay Area Regional Water Recycling Program Recycled Water Master Plan, dated December 1999 and authorized by section 1611 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h-9) are determined to be feasible.

(D) **WATER TRANSFERS.**—Activities under this subparagraph consist of—

(i) increasing the availability of existing facilities for water transfers;

(ii) lowering transaction costs through regulatory coordination; and

(iii) maintaining a water transfer information clearinghouse.

(E) **INTEGRATED REGIONAL WATER MANAGEMENT PLANS.**—Activities under this subparagraph consist of assisting local and regional communities in the State in developing and implementing integrated regional water management plans to carry out projects and programs that improve water supply reliability, water quality, ecosystem restoration, and flood protection, or meet other local and regional needs, in a manner that is consistent with, and makes a significant contribution to, the Calfed Bay-Delta Program.

(F) **ECOSYSTEM RESTORATION.**—

(i) **ACTIVITIES UNDER THIS SUBPARAGRAPH CONSIST OF—**

(I) implementation of large-scale restoration projects in San Francisco Bay and the Delta and its tributaries;

(II) restoration of habitat in the Delta, San Pablo Bay, and Suisun Bay and Marsh, including tidal wetland and riparian habitat;

(III) fish screen and fish passage improvement projects; including the Sacramento River Small Diversion Fish Screen Program.

(IV) implementation of an invasive species program, including prevention, control, and eradication;

(V) development and integration of Federal and State agricultural programs that benefit wildlife into the Ecosystem Restoration Program;

(VI) financial and technical support for locally-based collaborative programs to restore habitat while addressing the concerns of local communities;

(VII) water quality improvement projects to manage and reduce concentrations of salinity, selenium, mercury, pesticides, trace metals, dissolved oxygen, turbidity, sediment, and other pollutants;

(VIII) land and water acquisitions to improve habitat and fish spawning and survival in the Delta and its tributaries;

(IX) integrated flood management, ecosystem restoration, and levee protection projects;

(X) scientific evaluations and targeted research on Program activities; and

(XI) strategic planning and tracking of Program performance.

(ii) **ANNUAL ECOSYSTEM PROGRAM PLAN.**—

(I) Prior to October 1 of each year, with respect to an ecosystem restoration action carried out by or for the Secretary, the Secretary shall submit an annual ecosystem program plan report to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives. The purpose of the report is to describe the projects and programs to implement the activities under this subsection in the following fiscal year, and to establish priorities for funding in subsequent years. For the ecosystem program, and each ecosystem project the report shall describe—

(aa) the goals and objectives

(bb) program accomplishments,

(cc) major activities,

(dd) the administration responsibilities of land and water areas and associated environmental resources, in the affected project area including an accounting of all habitat types. Cost-share arrangements with cooperating agencies should be included in the report, and

(ee) the resource data and ecological monitoring data to be collected for the restoration projects and how the data are to be integrated, streamlined, and designed to measure the effectiveness and overall trend of ecosystem health in the Bay-Delta watershed;

(ff) implementation schedules and budgets;

(gg) monitoring programs and performance measures; and

(hh) the status and effectiveness of minimizing and mitigating the impacts of the program on agricultural lands.

(ii) a description of expected benefits of the restoration program relative to the cost.

(II) For Federal projects and programs to be carried out by or for the Secretary not specifically identified in the annual program plans the Secretary, in coordination with the State, shall submit recommendations on proposed plans, not later than 45 days prior to approval, to the Senate Committee on Energy and Natural Resources, the House Resources Committee, and the public. The recommendations shall—

(aa) describe the project selection process, including the level of public involvement and independent science review;

(bb) describe the goals, objectives, and implementation schedule of the projects, and the extent to which the projects address regional and programmatic goals and priorities;

(cc) describe the monitoring plans and performance measures that will be used for

evaluating the performance of the proposed projects;

(dd) identify any cost-sharing arrangements with cooperating entities; and

(ee) identify how the proposed projects will comply with all applicable Federal and State laws, including the National Environmental Policy Act.

(III) Projects involving acquisition of private lands shall be included in subsection (I) of the Annual Ecosystem Program Plan. Each project identified shall—

(aa) describe the process and timing of notification of interested members of the public and local governments;

(bb) minimize and mitigate impacts on agricultural lands;

(cc) include preliminary management plans for all properties to be acquired with Federal funds. Such preliminary management plans shall include an overview of existing conditions, the expected ecological benefits, preliminary cost estimates, and implementation schedules;

(dd) identify federal land acquisition in total, by a county by county basis; and,

(ee) provide a finding of consistency with all applicable State and Federal law.

(G) **WATERSHEDS.**—Activities under this subparagraph consist of—

(i) building local capacity to assess and manage watersheds affecting the Calfed Bay-Delta system;

(ii) technical assistance for watershed assessments and management plans; and

(iii) developing and implementing locally-based watershed conservation, maintenance, and restoration actions.

(H) **WATER QUALITY.**—Activities under this subparagraph consist of—

(i) addressing drainage problems in the San Joaquin Valley to improve downstream water quality (including habitat restoration projects that reduce drainage and improve water quality) if—

(I) a plan is in place for monitoring downstream water quality improvements;

(II) State and local agencies are consulted on the activities to be funded; and

(III) except that no right, benefit, or privilege is created as a result of this clause;

(ii) implementation of source control programs in the Delta and its tributaries;

(iii) developing recommendations through scientific panels and advisory council processes to meet the Calfed Bay-Delta Program goal of continuous improvement in Delta water quality for all uses;

(iv) investing in treatment technology demonstration projects;

(v) controlling runoff into the California aqueduct, the Delta-Mendota Canal, and other similar conveyances;

(vi) addressing water quality problems at the North Bay Aqueduct;

(vii) supporting and participating in the development of projects to enable San Francisco Area water districts and water entities in San Joaquin and Sacramento counties to work cooperatively to address their water quality and supply reliability issues, including—

(I) connections between aqueducts, water transfers, water conservation measures, institutional arrangements, and infrastructure improvements that encourage regional approaches; and

(II) investigations and studies of available capacity in a project to deliver water to the East Bay Municipal Utility District under its contract with the Bureau of Reclamation, dated July 20, 2001, in order to determine if such capacity can be used to meet the objectives of this clause;

(viii) development of water quality exchanges and other programs to make high quality water available for urban and other users;

(ix) development and implementation of a plan to meet all water quality standards for which the Federal and State water projects have responsibility;

(x) development of recommendations through technical panels and advisory council processes to meet the Calfed Bay-Delta Program goal of continuous improvement in water quality for all uses; and

(xi) projects that may meet the framework of the water quality component of the Calfed Bay-Delta Program.

(I) SCIENCE.—Activities under this subparagraph consist of—

(i) supporting establishment and maintenance of an independent science board, technical panels, and standing boards to provide oversight and peer review of the Program;

(ii) conducting expert evaluations and scientific assessments of all Program elements;

(iii) coordinating existing monitoring and scientific research programs;

(iv) developing and implementing adaptive management experiments to test, refine, and improve scientific understandings;

(v) establishing performance measures, and monitoring and evaluating the performance of all Program elements; and

(vi) preparing an annual science report.

(J) DIVERSIFICATION OF WATER SUPPLIES.—Activities under this subparagraph consist of actions to diversify sources of level 2 refuge supplies and modes of delivery to refuges while maintaining the diversity of level 4 supplies pursuant to Central Valley Project Improvement Act section 3406(d)(2), Public Law 102-575 (106 Stat. 4723).

(6) NEW AND EXPANDED AUTHORIZATIONS FOR FEDERAL AGENCIES.—

(A) SECRETARY OF THE INTERIOR.—The Secretary of the Interior is authorized to carry out the activities described in subparagraphs (A), (B), (C) and (D) of paragraph (7) during each of fiscal years 2005 through 2008, in coordination with the State of California.

(B) THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY AND THE SECRETARY OF THE ARMY.—The Administrator of the Environmental Protection Agency and the Secretary of the Army may carry out activities described in subparagraph (D) of paragraph 7 during each of fiscal years 2005 through 2008, in coordination with the State of California.

(C) THE SECRETARIES OF AGRICULTURE AND COMMERCE.—The Secretary of Commerce, and the Department of Agriculture, are authorized to carry out the activities described in paragraph (7)(D) during each of fiscal years 2005 through 2008, in coordination with the State of California.

(7) DESCRIPTION OF ACTIVITIES UNDER NEW AND EXPANDED AUTHORIZATIONS.—

(A) CONVEYANCE.—Of the amounts authorized to be appropriated under section 109, not more than \$184,000,000 may be expended for the following:

(i) Feasibility studies, evaluation, and implementation of the San Luis Reservoir lowpoint improvement project and increased capacity of the intertie between the SWP California Aqueduct and the CVP Delta Mendota Canal, near the City of Tracy.

(ii) Feasibility studies and actions at Franks Tract to improve water quality in the Delta.

(iii) Feasibility studies and design of fish screen and intake facilities at Clifton Court Forebay and the Tracy Pumping Plant facilities.

(iv) Design and construction of the relocation of drinking water intake facilities to delta water users. The Secretary shall coordinate actions for relocating intake facilities on a time schedule consistent with subparagraph (5)(B)(i)(I)(bb) or other actions necessary to offset the degradation of drink-

ing water quality in the Delta due to the South Delta Improvement Program.

(v) In addition to the other authorizations granted to the Secretary by this title, the Secretary shall acquire water from willing sellers and undertake other actions designed to decrease releases from New Melones Reservoir for meeting water quality standards and flow objectives for which the Central Valley Project has responsibility in order to meet allocations to Central Valley Project contractors from the New Melones Project. The authorization under this provision is solely meant to add flexibility for the Secretary to meet the Secretary's obligation to the Central Valley Project contractors from the New Melones Project by reducing demand for water dedicated to meeting water quality standards in the San Joaquin River. Of the amounts authorized to be appropriated under paragraph (7)(A), not more than \$15,260,000 may be expended for this purpose.

(B) ENVIRONMENTAL WATER ACCOUNT.—Of the amounts authorized to be appropriated under section 109, not more than \$90,000,000 may be expended for implementation of the Environmental Water Account; *Provided* That such expenditures shall be considered a nonreimbursable Federal expenditure.

(C) LEVEE STABILITY.—Of the amounts authorized to be appropriated under section 109, not more than \$90,000,000 may be expended for—

(i) reconstructing Delta levees to a base level of protection;

(ii) enhancing the stability of levees that have particular importance in the system through the Delta Levee Special Improvement Projects program;

(iii) developing best management practices to control and reverse land subsidence on Delta islands;

(iv) refining the Delta Emergency Management Plan;

(v) developing a Delta Risk Management Strategy after assessing the consequences of Delta levee failure from floods, seepage, subsidence, and earthquakes;

(vi) developing a strategy for reuse of dredged materials on Delta islands;

(vii) evaluating, and where appropriate, rehabilitating the Suisun Marsh levees; and

(D) PROGRAM MANAGEMENT, OVERSIGHT, AND COORDINATION.—Of the amounts authorized to be appropriated under section 109, not more than \$25,000,000 may be expended by the Secretary or the other heads of Federal agencies, either directly or through grants, contracts, or cooperative agreements with agencies of the State, for—

(i) program support;

(ii) program-wide tracking of schedules, finances, and performance;

(iii) multiagency oversight and coordination of Program activities to ensure Program balance and integration;

(iv) development of interagency cross-cut budgets and a comprehensive finance plan to allocate costs in accordance with the beneficiary pays provisions of the Record of Decision;

(v) coordination of public outreach and involvement, including tribal, environmental justice, and public advisory activities in accordance with the Federal Advisory Committee Act (5 U.S.C. App.); and

(vi) development of Annual Reports.

SEC. 104. MANAGEMENT.

(a) COORDINATION.—In carrying out the Calfed Bay-Delta Program, the Federal agencies shall coordinate their activities with the State agencies.

(b) PUBLIC PARTICIPATION.—In carrying out the Calfed Bay-Delta Program, the Federal agencies shall cooperate with local and tribal governments and the public through an

advisory committee established in accordance with the Federal Advisory Committee Act (5 U.S.C. App.) and other appropriate means, to seek input on Program elements such as planning, design, technical assistance, and development of peer review science programs.

(c) SCIENCE.—In carrying out the Calfed Bay-Delta Program, the Federal agencies shall seek to ensure, to the maximum extent practicable, that—

(1) all major aspects of implementing the Program are subjected to credible and objective scientific review; and

(2) major decisions are based upon the best available scientific information.

(d) ENVIRONMENTAL JUSTICE.—The Federal agencies and State agencies, consistent with Executive Order 12898 (59 FR Fed. Reg. 7629), should continue to collaborate to—

(1) develop a comprehensive environmental justice workplan for the Calfed Bay-Delta Program; and

(2) fulfill the commitment to addressing environmental justice challenges referred to in the Calfed Bay-Delta Program Environmental Justice Workplan, dated December 13, 2000.

(e) LAND ACQUISITION.—Federal funds appropriated by Congress specifically for implementation of the Calfed Bay-Delta Program may be used to acquire fee title to land only where consistent with the Record of Decision and section 103(b)(5)(F)(ii)(I)(jj).

(f) AGENCIES' DISCRETION.—This title shall not affect the discretion of any of the Federal agencies or the State agencies or the authority granted to any of the Federal agencies or State agencies by any other Federal or State law.

(g) NO NEW AUTHORITY.—The United States Environmental Protection Agency and the United States Army Corps of Engineers.—

(1) IN GENERAL.—Nothing in this title confers any new authority, except as provided under section 103(b)(7)(D) to the United States Environmental Protection Agency and the United States Army Corps of Engineers.

(2) COORDINATION.—In carrying out activities identified in the Record of Decision under authorities provided under other provisions of law, the United States Environmental Protection Agency and the United States Army Corps of Engineers shall coordinate such activities with Federal agencies and State agencies.

(h) GOVERNANCE.—

(1) IN GENERAL.—In carrying out the Calfed Bay-Delta Program, the Secretary and the Federal agency heads may participate as nonvoting members of the California Bay-Delta Authority, as established in the California Bay-Delta Authority Act (Cal. Water Code 79400 et seq.), to the extent consistent with Federal law, for the full duration of the period the Authority continues to be authorized by State law.

SEC. 105. REPORTING REQUIREMENTS.

(a) REPORT.—

(1) IN GENERAL.—Not later than February 15 of each year, the Secretary, in cooperation with the Governor, shall submit to the appropriate authorizing and appropriating Committees of the Senate and the House of Representatives a report that—

(A) describes the status of implementation of all components of the Calfed Bay-Delta Program;

(B) sets forth any written determination resulting from the review required under subsection (b); and

(C) includes any revised schedule prepared under subsection (b).

(2) CONTENTS.—The report required under paragraph (1) shall describe—

(A) the progress of the Calfed Bay-Delta Program in meeting the implementation

schedule for the Program in a manner consistent with the Record of Decision;

(B) the status of implementation of all components of the Program;

(C) expenditures in the past fiscal year for implementing the Program;

(D) accomplishments during the past fiscal year in achieving the objectives of additional and improved—

(i) water storage, including water yield;

(ii) water quality; including the progress in achieving the water supply targets as described in Section 2.2.4 of the Record of Decision, the environmental water account requirements as described in Section 2.2.7, and the water quality targets as described in Section 2.2.9, and any pending actions that may affect the ability of the Calfed Bay-Delta Program to achieve those targets and requirements.

(iii) water use efficiency;

(iv) ecosystem restoration;

(v) watershed management;

(vi) levee system integrity;

(vii) water transfers;

(viii) water conveyance; and

(ix) water supply reliability;

(E) program goals, current schedules, and relevant financing agreements;

(F) progress on—

(i) storage projects;

(ii) conveyance improvements;

(iii) levee improvements;

(iv) water quality projects; and

(v) water use efficiency programs;

(G) completion of key projects and milestones identified in the Ecosystem Restoration Program; including progress on project effectiveness, monitoring, and accomplishments;

(H) development and implementation of local programs for watershed conservation and restoration;

(I) progress in improving water supply reliability and implementing the Environmental Water Account;

(J) achievement of commitments under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and endangered species law of the State;

(K) implementation of a comprehensive science program;

(i) progress on project effectiveness;

(L) progress toward acquisition of the Federal and State permits (including permits under section 404(a) of the Federal Water Pollution Control Act (33 U.S.C. 1344(a))) for implementation of projects in all identified Program areas;

(M) progress in achieving benefits in all geographic regions covered by the Program;

(N) legislative action on—

(i) water transfer;

(ii) groundwater management;

(iii) water use efficiency; and

(iv) governance issues;

(O) the status of complementary actions;

(P) the status of mitigation measures;

(Q) revisions to funding commitments and Program responsibilities; and

(R) a list of all existing authorities, including the authorities listed in section 103(b)(4) provided by the relevant Federal agency, under which the Secretary or the heads of the Federal agencies may carry out the purposes of this title."

(b) ANNUAL REVIEW OF PROGRESS AND BALANCE.—

(1) IN GENERAL.—Not later than November 15 of each year, the Secretary, in cooperation with the Governor, shall review progress in implementing the Calfed Bay-Delta Program based on—

(A) consistency with the Record of Decision; and

(B) balance in achieving the goals and objectives of the Calfed Bay-Delta Program.

(2) REVISED SCHEDULE.—If, at the conclusion of each such annual review or if a timely annual review is not undertaken, the Secretary, or the Governor, determine in writing that either the Program implementation schedule has not been substantially adhered to, or that balanced progress in achieving the goals and objectives of the Program is not occurring, the Secretary, in coordination with the Governor and the Bay-Delta Public Advisory Committee, shall prepare a revised schedule to achieve balanced progress in all Calfed Bay-Delta Program elements consistent with the Record of Decision.

(c) FEASIBILITY STUDIES.—Any feasibility studies completed as a result of this title shall include identification of project benefits and a cost allocation plan consistent with the beneficiaries pay provisions of the Record of Decision.

SEC. 106. CROSSCUT BUDGET.

(a) IN GENERAL.—The President's budget shall include such requests as the President considers necessary and appropriate for the level of funding for each of the Federal agencies to carry out its responsibilities under the Calfed Bay-Delta Program.

(b) REQUESTS BY FEDERAL AGENCIES.—The funds shall be requested for the Federal agency with authority and programmatic responsibility for the obligation of the funds, in accordance with paragraphs (2) through (5) of section 103(b).

(c) REPORT.—Not later than 30 days after the submission of the budget of the President to Congress, the Director of the Office of Management and Budget, in coordination with the Governor, shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives a financial report certified by the Secretary containing—

(1) an interagency budget crosscut report that—

(A) displays the budget proposed, including any interagency or intra-agency transfer, for each of the Federal agencies to carry out the Calfed Bay-Delta Program for the upcoming fiscal year, separately showing funding requested under both pre-existing authorities and under the new authorities granted by this title; and

(B) identifies all expenditures since 1998 by the Federal and State governments to achieve the objectives of the Calfed Bay-Delta Program;

(2) a detailed accounting of all funds received and obligated by all Federal agencies and State agencies responsible for implementing the Calfed Bay-Delta Program during the previous fiscal year;

(3) a budget for the proposed projects (including a description of the project, authorization level, and project status) to be carried out in the upcoming fiscal year with the Federal portion of funds for activities under section 103(b); and

(4) a listing of all projects to be undertaken in the upcoming fiscal year with the Federal portion of funds for activities under section 103(b).

SEC. 107. FEDERAL SHARE OF COSTS.

(a) IN GENERAL.—The Federal share of the cost of implementing the Calfed Bay-Delta Program for fiscal years 2005 through 2008 in the aggregate, as set forth in the Record of Decision, shall not exceed 33.3 percent.

(b) CALFED BAY-DELTA PROGRAM BENEFICIARIES.—The Secretary shall ensure that all beneficiaries, including the environment, shall pay for benefits received from all projects or activities carried out under the Calfed Bay-Delta Program. This requirement shall not be limited to storage and conveyance projects and shall be implemented so as to encourage integrated resource planning.

SEC. 108. COMPLIANCE WITH STATE AND FEDERAL LAW.

Nothing in this title—

(1) invalidates or preempts State water law or an interstate compact governing water;

(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water;

(3) preempts or modifies any State or Federal law or interstate compact governing water quality or disposal; or

(4) confers on any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource; and,

(5) alters or modified any provision of existing Federal law, except as specifically provided in this title.

SEC. 109. AUTHORIZATION OF APPROPRIATION.

There are authorized to be appropriated to the Secretary and the heads of the Federal agencies to pay the Federal share of the cost of carrying out the new and expanded authorities described in paragraphs (6) and (7) of section 103(b), \$389,000,000 for the period of fiscal years 2005 through 2008, to remain available until expended.

TITLE II—SALTON SEA STUDY PROGRAM

SEC. 201. SALTON SEA STUDY PROGRAM.

(a) IN GENERAL.—The Secretary of the Interior shall conduct a study to determine the feasibility of reclaiming the Salton Sea.

(b) REQUIREMENTS.—The study referred to in subsection (a) shall consider each of the following:

(1) Appraisal investigations.

(2) Feasibility studies.

(3) Environmental Reports.

(4) Cost sharing responsibilities.

(5) Responsibility for operation and maintenance.

(c) REPORT TO CONGRESS.—The Secretary shall submit to Congress the study developed under this section no later than 1 year after the date of enactment.

The SPEAKER pro tempore. Pursuant to House Resolution 711, the gentleman from California (Mr. CALVERT) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT) on his amendment.

Mr. CALVERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have been working hard to improve this bill since its introduction. The amendment in the nature of a substitute is a bipartisan amendment that has been carefully crafted based on input from Senator FEINSTEIN and her staff, the administration, the State of California, and water groups. This amendment was not crafted in a vacuum, and I believe it addresses many concerns voiced over the last several weeks.

Reflecting the dynamic that differing regions of California represent, as opposed to the whole State, the amendment also includes necessary policy provisions:

Bay-Delta water quality protections: Bay-Delta water quality issues have not been adequately addressed in the past and they need to be fixed now. It is not fair that the constituents of the gentleman from California (Mr. POMBO), or the constituents of the gentleman from California (Mr. GEORGE MILLER), or the constituents of the gentleman from California (Mr. CARDOZA) should bear the highest water quality burdens because of circumstances outside their control.

These water quality provisions addressed in this bill are the results of discussions between water users throughout California, including in Delta water uses. Most importantly, these provisions do not allow increased pumping unless water quality standards are met.

Water storage: Everyone wants to have more flexibility delivering water supplies throughout the State. Increased storage will give us more flexibility and improve water quality. In fact, my good friends in districts in the Bay area and beyond recently supported the Los Vaqueros expansion for these very purposes. My amendment provides that CALFED storage projects are subject to appropriate feasibility studies and if Congress does not act to disapprove them in 120 days, then construction is authorized.

Ensuring that adequate storage is part of a balanced CALFED is important here since CALFED expenditures so far have been imbalanced. This provision helps develop CALFED storage, and in no way undermines the regulatory process, including the Endangered Species Act, NEPA, SEQA, the Clean Water Act, and a number of other Federal acts and laws. Furthermore, these projects are still subject to appropriations.

Ecosystem restoration: The amendment has a "right to know" provision on how taxpayer dollars are being spent on ecosystem restoration. These provisions ask the Federal agencies to submit a management plan for CALFED-related ecosystem projects. These management plans would require a cost analysis, possible alternatives, disclosure of impacts, and required mitigation. All other projects, like storage projects, require much more detailed feasibility reports. We are only asking for a management plan that sits before Congress, which has no veto authority over such a management plan. This is nothing more than a good government plan that in no way hinders ecosystem restoration.

Mr. Speaker, there has never been a water bill that everybody likes. God knows I know that. But this is getting close. We have worked hard to resolve concerns and will continue to work with my colleagues and stakeholders on these issues. We cannot let the perfect be the enemy of the good. I urge my colleagues to support this amendment and the bill.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Does the gentlewoman from California (Mrs. NAPOLITANO) seek to control the time in opposition to the amendment?

Mrs. NAPOLITANO. No, I do not.

The SPEAKER pro tempore. Does any Member seek to control time in opposition?

If not, without objection, the gentlewoman from California (Mrs. NAPOLITANO) may control the time reserved for opposition; and the gentlewoman is recognized for 10 minutes.

There was no objection.

Mrs. NAPOLITANO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I certainly want to thank my good friend, the chairman of the subcommittee, the gentleman from California (Mr. CALVERT), for accommodating suggestions from minority staff and myself to improve this bill.

In particular, I am very pleased that the language that was inserted earlier in the week to allow the use of Central Valley Project Restoration Fund for the Environmental Water Account purchases has been deleted. This revision would make it clear that the CVP Restoration Fund cannot be used inappropriately.

I am very thankful and look forward to continuing to work on California's water projects, as well as other projects for the rest of the Nation.

Mr. Speaker, I yield back the balance of my time.

Mr. CALVERT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate on the amendment has expired.

Pursuant to House Resolution 711, the previous question is ordered on the bill, as amended, and on the further amendment in the nature of a substitute by the gentleman from California (Mr. CALVERT).

The question is on the amendment in the nature of a substitute offered by the gentleman from California (Mr. CALVERT).

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Mr. GEORGE MILLER of California. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GEORGE MILLER of California. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. George Miller of California moves to recommit the bill H.R. 2828, to the Committee on Resources, with instructions to report the bill forthwith with the following amendment:

Strike Section 103(b)(5)(A)(i)(III).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the motion to recommit, and every Member of the House who is concerned about runaway spending should join me in this vote.

The motion seeks to delete just one feature of this bill: The so-called "preauthorization of future California water projects" that ends a century of congressional review and design of massive, costly, and sometimes controversial water projects.

Passing this bill without deleting the so-called preauthorization provision grants a blank check to bureaucrats and Federal agencies to spend billions of dollars on dams, conveyance facilities, and other potentially controversial water projects in California without any further authorization by Congress.

This provision grants special privileges to California projects. They alone, not projects in Arizona, Colorado, or New Mexico, or anywhere else in the reclamation west, would be cleared for construction based upon a study done by the planners in the Department of the Interior. A study might reveal serious fiscal, legal, or environmental problems. But the project goes ahead anyway unless Congress passes a bill to stop it. If that bill is not brought to the floor of the House, the project goes forward.

So as projects in other States are forced to wait for bills to pass authorizing their construction, California moves to the front of the line, awaiting no authorization, freed from the scrutiny that will be imposed on projects in every other State. Those of you who have been here for a while know that water projects typically move in packages so that no State is left behind. Well, say goodbye to that process if this bill passes with the California preauthorization process, because many of the biggest, most expensive, most controversial projects will be off and running while you are still in the paddock.

Now, some may ask, why would I, as a Californian, raise this concern? Because I am a strong supporter of CALFED, I am a strong supporter of the record of decision, and I would like to support this legislation. But as the former chairman of both the Subcommittee on Water and Power and the full Committee on Resources, I know that a project that bypasses the authorization process is going to face withering opposition in the appropriations process and in the regulatory and judicial process and among the voters back at home, and that is why I offer this motion to recommit.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of the Miller-Tauscher motion to recommit.

As a member of California who represents a large part of the San Francisco Bay-Delta, I fully understand the importance of reauthorizing the CALFED program. Now more than

ever, California needs the Federal Government to be an active financial partner in helping restore the delta's ecosystem and meeting our State's growing water needs.

However, the preauthorization language in this bill severely jeopardizes our ability to renew this critical State-Federal partnership. Not only is it bad economic and environmental policy, but insisting on preauthorization, knowing that the other body will reject it, is a failed strategy for reaching agreement this year. Passing this bill as it is currently drafted is a divisive step that fails to really help Californians.

Mr. Speaker, with less than 30 legislative days remaining in the 108th Congress, we must have a smart strategy to get a CALFED bill done for the people of California before we adjourn. I urge my colleagues to support this motion, which will simply remove one paragraph from the bill and immediately return it to the House for consideration.

Our constituents sent us here to make timely progress on water policies that will help them. Removing this objectionable roadblock provision will help us move forward. I urge my colleagues to support the motion to recommit.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentlewoman for her comments, and say to the House that if this motion is passed, the bill would come back immediately to the House for its consideration and then it would move on to the Senate without this very controversial provision that has substantial Senate opposition and we can get on with passing this bill that the people have worked so terribly hard on and which our State needs.

Mr. CALVERT. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. POMBO).

Mr. POMBO. Mr. Speaker, I thank the gentleman for yielding me this time.

This is not about setting a precedent over the way legislation is done. As the gentleman from California (Mr. CALVERT) has already pointed out, this is done very regularly in the process here.

□ 1245

My colleagues that offer this motion to recommit are not offering a motion to strip out everything that is authorized in this bill. They are only going after specifically the water storage projects. This is a bill that has been in the process, as has been said, many times for over 10 years of trying to come up with a compromise that everybody, Northern California, Southern California, east and west, everybody supported.

We were able to put together a compromise with the good work of the subcommittee chairman and ranking

member, and now we have somebody coming to the floor trying to blow that up. It is the same thing that we fought through with all of the water problems in California. You always have somebody who thinks they did not get everything they wanted or that somebody else may be getting something, and they try to blow it up. That is exactly what is going on here.

I urge my colleagues to vote against the motion to recommit.

Mr. CALVERT. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. NAPOLITANO), the ranking Democrat.

Mrs. NAPOLITANO. Mr. Speaker, I rise in opposition to the motion to recommit on H.R. 2828. The passage of this motion would prevent a bipartisan measure from moving forward, and we have worked in good faith with the chairman and his staff to try to develop the California water bill. And I know, as has been said, we do not all get what we want. I know I did not get everything I needed and wanted.

The gentleman from California (Chairman CALVERT) has stripped numerous provisions that I objected to, including language relating to the Clean Water Act, the Beneficiary Pays, the role of the Record of Decision, and the role of the Interior Department in implementing the CALFED program.

I am sympathetic to the issue. However, I cannot support this motion to recommit at this time.

Mr. CALVERT. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CARDOZA).

Mr. CARDOZA. Mr. Speaker, I regretfully rise in opposition to this motion. H.R. 2828 has been negotiated in a bipartisan manner, and I have been pleased to be part of such a fair and open process. The gentleman from California (Chairman POMBO) and the gentleman from California (Mr. CALVERT) have maintained a very open process, as both the gentlewoman from California (Mrs. NAPOLITANO) and I can attest.

The majority has accepted several of the requests that were put forward by the Democratic committee members, including critical water quality and water recycling language, and have acted in good faith. To send this bill back to committee now would mean the likely end to CALFED this year. If we do not act today and send this bill to conference where ongoing conversations with Senator FEINSTEIN can resume, we will lose precious time and I fear lose our remaining window of opportunity to address the water crisis in California.

Because of the job-creation impact, the building trades unions mentioned in my previous Dear Colleague wholeheartedly support final passage of H.R. 2828.

I urge my Democratic colleagues to defeat this motion.

Mr. CALVERT. Mr. Speaker, I yield myself such time as I may consume.

As my friend, the gentleman from California (Mr. GEORGE MILLER),

knows, negotiating water agreements is not easy; and we have had numerous conversations about the subject of water over the years. And certainly he has a long history in water in the State of California. As everyone knows who has been involved in water negotiations, they are difficult. There are conflicts all over the place. One of the concepts that we took when we went down this road was balance; and the Record of Decision that was a difficult Record of Decision to come to a conclusion, part of that was water storage on four projects. There were a lot more water projects that were being considered in that Record of Decision, but it was weaned down in difficult negotiations to really a limited amount of water storage.

Over \$12 million has been spent to date on looking at the feasibility of these four projects. All of the environmental laws must be met, and that is considerable, before any of these projects could ever become feasible. And even then if in fact they are deemed feasible, you would have to go through the appropriation process.

As I would point out to my friends, the Auburn Dam is an authorized project. I doubt if it will ever get appropriations to build. Unless a project is feasible, unless it has the political support in order to build, it will not happen.

And so I would say this motion to recommit takes the balance out of the process that we put together, and I believe it would remove all support for this CALFED process to continue. So I would urge my colleagues to vote "no" on the motion to recommit and vote "yes" on final passage.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. THORNBERRY). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the time for any electronic vote, if ordered, on the question of passage.

The vote was taken by electronic device, and there were—yeas 139, nays 255, not voting 40, as follows:

[Roll No. 354]

YEAS—139

Abercrombie
Alexander
Allen

Andrews
Baird
Baldwin

Becerra
Berkley
Berman

Boucher
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Chandler
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Filner
Frank (MA)
Grijalva
Gutierrez
Harman
Hill
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)

Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klecza
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Murtha
Nadler
Neal (MA)
Obey
Oliver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi

NAYS—255

Aderholt
Akin
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Biggett
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Bradley (NH)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Costello
Cox
Cramer

Crane
Crenshaw
Cubin
Cunningham
Davis (AL)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Evans
Everett
Farr
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Hall
Harris
Hart

Pomeroy
Price (NC)
Rahall
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watt
Weiner
Woolsey
Wu
Wynn

Millender-
McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pombo
Porter
Portman

Ackerman
Bell
Bishop (NY)
Blumenauer
Brady (TX)
Carson (IN)
Collins
Culberson
Deal (GA)
Delahunt
Dicks
Fattah
Gephardt
Gerlach

NOT VOTING—40

Green (TX)
Gutknecht
Hastings (FL)
Hinchey
Isakson
John
Jones (OH)
King (NY)
Kirk
LaHood
Lee
Lipinski
Lofgren
Majette

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY) (during the vote). Members are reminded to record their votes.

□ 1312

Mr. MORAN of Kansas and Mrs. CUBIN changed their vote from "yea" to "nay."

Ms. SLAUGHTER and Messrs. RYAN of Ohio, DAVIS of Illinois, STRICKLAND, RUSH, and ANDREWS changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. KIRK. Mr. Speaker, on July 9, 2004, I missed rollcall vote No. 354, the motion to recommit for H.R. 2828. I missed the vote due to a meeting I had with the President of the World Bank. Had I been present I would have voted "no."

The SPEAKER pro tempore. The question is on passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 3598, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

MANUFACTURING TECHNOLOGY COMPETITIVENESS ACT OF 2004

The SPEAKER pro tempore. Pursuant to House Resolution 706 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3598.

□ 1312

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3598) to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, and for other purposes, with Mr. TERRY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New York (Mr. BOEHLERT) and the gentleman from Tennessee (Mr. GORDON) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. BOEHLERT).

□ 1315

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am very pleased to be able to bring this bill before the House today, and I want to thank the gentleman from Michigan (Mr. EHLERS), chairman of the Subcommittee on Environment, Standards, and Technology of the Committee on Science for his insight and persistence in introducing this bill and refining it to the point that it can be signed into law.

Let me tell you what this bill is all about. It is about my favorite four letter word; and do not get nervous, it is a four letter word that you can use in polite company and on the floor of the people's House. This is a jobs bill. The programs that we reauthorize and create in this bill will enable American manufacturers to create and retain good, high-paying jobs in the United States of America.

Other than ensuring national security, this Congress has no task more important than promoting job creation and retention; that is, ensuring economic security.

I can say this is a jobs bill without fear of contradiction. Most of the programs in this bill are not new experiments. We are reauthorizing programs that have a proven track record of saving and creating jobs. What is more important?

The Manufacturing Extension Partnership program, which I and others

helped create back in the 1980s, has helped countless small manufacturers by giving them the knowledge they need to use the latest technology and manufacturing processes. A survey of just one-third of MEP customers found that they had created or saved more than 35,000 jobs, and that is just one-third of the customers, thanks to this program. And the MEP centers help more than 18,000 small companies each and every year.

I do not need to look any further than my own congressional district to see the good this program has done, and I am sure that is true of every Member of this House. To take just one evocative example from upstate New York, our local MEP center helped an olive oil manufacturer reorganize its factory floor in a way that enabled it to remain competitive in a highly competitive business and stay in business, preserving jobs. And MEP centers have greased the wheels of commerce all across this great Nation of ours.

This bill also reauthorizes the internal laboratories of the National Institute of Standards and Technology, or NIST, the Nation's oldest federal laboratory, a home to Nobel Laureates, and the Federal lab most focused on the problems of industry, including manufacturing.

I want to thank the gentleman from Colorado (Mr. UDALL) for the amendment that added the NIST authorization to this bill. I have to admit, as my colleagues on the other side of the aisle will no doubt point out, that Congress has underfunded these programs in recent years, over my objections, I would add. But this bill commits us to ensuring that the MEP programs and NIST's laboratories remain healthy so that they can help American manufacturers remain healthy.

I should add that the appropriators are already following through on the headway we are making in this bill. The Commerce appropriation we approved yesterday includes \$106 million for MEP and a healthy increase for NIST laboratories. I congratulate the appropriators, and I congratulate my colleagues in the House for passing that bill just yesterday.

This bill, this jobs bill, will keep those programs on a healthy path in the future. The bill authorizes increases in the Manufacturing Extension Partnership so that in fiscal year 2008, MEP centers should be receiving 14 percent more than we hope they will receive next year, and that is more than a 200 percent jump from the \$39 million in fiscal year 2004.

But this bill does more than just reauthorize old programs, although that alone would boost American manufacturing. The bill creates several new programs: A new grant program for the MEP centers, to help them design new ways to assist businesses; a new grant program to encourage businesses and universities to work together to solve industrial problems through applied research; and a new fellowship program

to entice both graduate students and senior researchers into conducting research in the manufacturing sciences.

This is a good bill. It is a bill designed to help manufacturers, it is a bill designed to help small businesses. In short, this entire bill is based on a simple principle: You cannot get ahead by standing still. This bill will help our manufacturers get ahead by enabling them to take advantage of the latest research, the latest technology and the latest ideas about how to organize manufacturing, and all that will translate into jobs.

Now, we will be hearing an animated debate over the next hour or so on amendments to this bill. That debate should not obscure the fundamental bipartisan agreement on the importance of this measure. The gentleman from Tennessee (Mr. GORDON) pointed out in the Committee on Rules how necessary and sound this bill is. The gentleman from Colorado (Mr. UDALL) pointed out on the floor in yesterday's debate how necessary and sound this bill is, while pointing, quite rightly, to his own significant contribution to it.

The issue we will be debating with some of the amendments is whether we should do even more with this bill. I say "with this bill," because, of course, we should be doing more overall. There are programs in other agencies that help manufacturers. There are other steps unrelated to research that we can take and have taken to help manufacturers. But we should not weigh down this bill because we can do even more in other arenas.

Our manufacturers need the help this bill will provide, and they need it now. Let us move ahead with this portion of our jobs agenda, and then we can turn our attention to other matters.

I urge my colleagues to support H.R. 3598 in its current form, which can be signed into law. And that is what we need, legislation that can be signed into law.

Mr. Chairman, I reserve the balance of my time.

Mr. GORDON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to talk about an unfortunate missed opportunity. We are debating H.R. 3598, the Manufacturing Technology Competitiveness Act, a bill designed to help our manufacturing sector. In the end, I will vote for this bill, but it is a shell of what could have been accomplished had we worked together in a bipartisan fashion.

I think we can all agree that our manufacturing sector has been hard hit during the past 4 years. Exports had their largest drop in 50 years, more than 2.7 million manufacturing jobs have been lost, and the manufacturing recovery has been the slowest on record. Last month, we lost another 11,000 manufacturing jobs.

While H.R. 3598 is a small step in the right direction, it is hardly the comprehensive manufacturing bill that could have been produced by the Com-

mittee on Science or by this House. The bill does little beyond authorizing modest funding for the manufacturing extension partnership program, MEP. I strongly support the MEP, but should not be the only Federal program that assists and supports our manufacturing sector.

During the Committee on Science's markup, Democratic Members offered a series of amendments designed to strengthening the bill. Most of these amendments were defeated on a party-line vote. Our chairman reluctantly opposed the amendments, not on substantive grounds, but because of administration objections.

In fact, through a series of negotiations, in which the minority was not invited to participate, the White House whittled H.R. 3598, as introduced by the gentleman from Michigan (Mr. EHLERS), down to the bare bones MEP authorization we see today.

The original bill presented by the gentleman from Michigan (Mr. EHLERS) included the creation of an Undersecretary For Manufacturing and Technology. Now it is gone. The gentleman from Michigan (Mr. EHLERS) originally included \$514 million for the MEP program, which, after unilateral negotiations with the administration, was cut by \$60 million. The gentleman from Michigan (Mr. EHLERS) originally included \$192 million in research activities related to manufacturing, which, after unilateral negotiations with the administration, was slashed to \$55.6 million.

The bill before us today shows that this administration just does not get it. We would have liked to have offered several amendments to restore the cuts that the gentleman from Michigan (Mr. EHLERS) made to his own bill at the behest of the administration. However, many of our amendments were not made in order by the Committee on Rules.

Today, I and some of my colleagues on the Committee on Science will be offering a few amendments that were actually made in order by the Committee on Rules. But let me give you an example of an amendment that was not made in order by the Committee on Rules.

First, the amendment offered by the gentleman from California (Mr. HONDA) to provide an authorization for the Advanced Technology Program, ATP. Yesterday, during the debate on the rule, the gentleman from New York (Chairman BOEHLERT) said that this amendment was not made in order because the Advanced Technology Program really is not a manufacturing-oriented program.

That is just not the case. Almost 40 percent of ATP funds currently support manufacturing projects. The rest of the ATP funds support the development of new technologies, technologies that will create the manufacturing industries of the future.

New chip technologies will result in new chip manufacturing factories and

more jobs for Americans. The administration's own analysis for ATP shows that the benefits from just a few of the ATP projects reviewed to date are projected to exceed \$17 billion. ATP supports our current manufacturing base and supports the development of our future manufacturing base.

So H.R. 3598 represents a bit of the pie, but not the whole pie. Some groups reluctantly support this bill, figuring that it is better to get something rather than nothing at all. While this may be true at times, it is not the right thing to do in this case.

Manufacturing is just too important to the economic health of our Nation. It is also often forgotten that the manufacturing multiplier effect creates 8 million additional jobs in other sectors. We need to do our best not only to maintain, but also to strengthening our manufacturing base, and to keep these high-paying jobs here at home.

Mr. Chairman, I will say that we have missed a great opportunity to support our manufacturing community and our constituents who work in the manufacturing fields. I hope that by passing our amendments to H.R. 3598 today, we can come together in a bipartisan way to strengthen this bill, to help our workers and our firms.

In conclusion, Mr. Chairman, let me just say that in the last 3½ years, we have lost 2.5 million jobs. Millions more Americans are concerned about losing their job. They deserve better than half a loaf. They deserve better than saying we will get to you later. They deserve better than to say we are afraid to do the right thing, because the administration does not like it.

We are an equal branch of the Federal Government. We need to stand up on our own legs today and demonstrate that, and do the right thing for our manufacturing sector in this Nation.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHLERT. Mr. Chairman, I am pleased to yield 7 minutes to the gentleman from Michigan (Mr. EHLERS), the distinguished chairman of the Subcommittee on Environment, Standards, and Technology.

Mr. EHLERS. Mr. Chairman, I thank the chairman for yielding me time.

Mr. Chairman, I rise today in strong support of H.R. 3598, the Manufacturing Technology Competitiveness Act. The goal of my legislation is simple: It is to help small and medium-sized manufacturers better compete in the global marketplace. Why is this necessary? Because manufacturing is in trouble in the United States.

You have heard the figures of the over a million jobs lost in manufacturing in the past few years. At the same time, the funding has been cut for this particular program.

Like communities all over the United States, industries in my hometown of Grand Rapids, Michigan, face countless challenges. Globalization is rapidly changing the way business is done, and our small and medium-sized

firms are particularly vulnerable to these changes.

□ 1330

Many are literally fighting for survival.

I asked them what I could do to help. In talking to manufacturers in my district, one thing was clear. They all said the Manufacturing Extension Partnership program was a tremendously important program in helping them remain competitive.

The MEP program has roughly 60 centers and 400 satellite offices throughout the country. These centers provide small manufacturers with tools and assistance to help increase productivity and efficiency.

As an example, the Michigan MEP regional office in Grand Rapids, known as the Right Place Program, helped the family-owned Wolverine Coil Spring Company to develop a more efficient packaging and auditing system that cut in half the wait time for delivery of finished products.

Unfortunately, Congress cut funding for the MEP program from \$106 million in fiscal year 2003 to \$39 million in 2004. This limited funding caused many centers to lay off people and cut back their services at a time when businesses needed them most.

Another major concern raised by my constituents was technological advances by other countries. For our firms to compete today and in the future, I was told we need more research and development into how to manufacture products better, faster, and cheaper. I also learned that we need to provide a way for manufacturers to learn quickly about the latest advances from the research community.

With these thoughts in mind, I developed H.R. 3598, the Manufacturing Technology and Competitiveness Act. This bill specifically will establish an interagency committee and external advisory committee on manufacturing research and development to ensure that Federal agencies will coordinate their programs related to manufacturing R&D and target them on concerns that matter most to industry. It will also help industry improve manufacturing processes and technology by establishing a pilot grant program that would fund joint efforts by universities and industry to solve challenges in manufacturing technology. It would also train more students and senior researchers in the manufacturing sciences by establishing post-doctoral and senior research fellowships at the National Institute for Standards and Technology. In addition, it would authorize the MEP program at \$110 million to ensure all centers remain open.

Let me just offer a comparison to show that this is certainly a perfectly acceptable amount of funding. If we compare it to the Agriculture Extension Service, which everyone agrees has worked very, very well for a very long time, to the extent that what is discovered in the lab one year is used

out in the fields the next year, we find the Cooperative Extension Service of the Agriculture Department is funded at over \$440 million per year, four times what we are suggesting for the MEP program. At the same time, in agriculture, we have just 1.5 percent of the American workforce. Manufacturing has approximately 14 percent of the workforce. Clearly, we need a program such as MEP so that we can do for manufacturing what for years we have done for agriculture.

The bill also provides new ways to help small and medium-sized manufacturers by establishing a competitive grant program for MEP centers. And it authorizes the laboratory programs at the National Institute for Standards and Technology, which provides critical research and standards for most of our industries.

This legislation has received widespread and bipartisan support. The National Association of Manufacturers, the U.S. Small Manufacturing Coalition, and the National Council for Advanced Manufacturing, just to name a few, all support this legislation. I have also worked with the administration to ensure the bill can be passed into law and will receive the President's signature.

Mr. Chairman, this is the key point I want everyone to understand: I wanted to develop legislation that would help our manufacturers and that could make it through the entire congressional and administrative process to become law. Our manufacturers need our help and support now. Some of my colleagues are going to offer amendments that would seriously jeopardize the bill from passing into law.

One such amendment will be offered by my colleague, the gentleman from Tennessee (Mr. GORDON). His amendment would increase the authorization of MEP by an additional \$90 million over the next 4 years and increase the amount the Federal Government contributes to the program from one-third to one-half. While well intentioned, this amendment will upset the delicate balance of support for full funding of the MEP program and could lead to some centers receiving less money. We are back on the right track with the fiscal year 2005 Commerce, Justice, State appropriations bill which passed the House yesterday with \$106 million included for MEP, and I do not want to jeopardize the commitments made to achieve this funding level.

I acknowledge the hard work of my colleague, the gentleman from Virginia (Mr. WOLF), and the gentleman from Michigan (Mr. KNOLLENBERG) for their help on getting this appropriation.

As I said from the beginning, my goal was to develop and pass into law legislation that would help our small manufacturers better compete in the global marketplace, and H.R. 3598 does just that.

I want to conclude by thanking the gentleman from Colorado (Mr. UDALL), the ranking member of my subcommittee, and the gentleman from

Tennessee (Mr. GORDON), the ranking member of the full committee, for their help and input throughout this process. I especially want to thank the gentleman from New York (Mr. BOEHLERT), the esteemed chairman of the Committee on Science, who has done an outstanding job on that committee; and I thank him for his unwavering commitment to move this legislation through the Congress and be signed into law.

Mr. Chairman, I strongly urge everyone to support small and medium-sized manufacturers by supporting H.R. 3598.

Mr. GORDON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, with 2.5 million manufacturing jobs lost in 3 years, including 40,000 in my State of Connecticut, many outsourced to other countries like China and Singapore, we all understand that steps must be taken to revive what is the very backbone of America's economy. Reauthorizing the valuable Manufacturing Extension Partnership, a critical program that supports high-risk, early-stage research and development, is certainly a part of that effort.

If we are going to help manufacturers become more productive and innovative, if we are going to boost sales and invest in modernization and employment, a strong reauthorization of the MEP program is critical.

But none of us are under any illusion that this program alone will revive the struggling sector; and, frankly, the other provisions in this bill are little more than a Band-Aid for an economic sector that is bleeding jobs. What our manufacturers need from this body is not window dressing; what they need is a bold vision, one that makes our Federal Tax Code work for, and not against, our manufacturers.

American companies should not have to resort to transferring jobs to countries where workers make less and have fewer benefits just to stay competitive. We should encourage good corporate citizenship and incentivize work done right here on our shores. We should ban the use of taxpayer dollars to outsource or take offshore work formerly done in the United States. We should get serious about making our trading partners live up to their obligations under the World Trade Organization, and we should reform our non-immigrant visa programs that allow companies to displace American workers by bringing foreign workers in at lower wages, and we should prohibit companies that move their headquarters overseas to avoid paying American taxes from receiving any Federal contracts. That is what we should be doing to keep this country competitive, but we are not.

While I am glad the administration has finally agreed to support the MEP program at the levels that we supported 2 years ago, I believe we have missed a real opportunity to do something meaningful on behalf of all of our

manufacturers, whether they be large or small. That is what the task of this body ought to be, rather than just putting off what we ought to do for manufacturers in this country.

Mr. BOEHLERT. Mr. Chairman, I am pleased to yield 3½ minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), a real leader in the effort to protect domestic manufacturing.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong and enthusiastic support of this bill and congratulate the gentleman from New York (Chairman BOEHLERT) and my colleague, the gentleman from Michigan (Mr. EHLERS), in the development of this legislation.

Indeed, small and medium-sized manufacturers are the unsung heroes of America's strong economy. All of our large multinational firms depend on the strong, vibrant, and productive domestic manufacturing sector. Their ability to compete in a global economy is tied to our home-grown, small and medium-sized manufacturing firms.

The Manufacturing Technology Competitiveness Act will reauthorize the MEP program, which is the most successful Federal program supporting manufacturing. When America was an agricultural economy, we built land grant universities explicitly to provide the knowledge base necessary to assure continuous product development, continuous improvements in quality, and continuous improvements in productivity in the agricultural sector. That partnership between government and the private sector is well developed in agriculture and is successful.

What this bill does is to broaden the partnership between manufacturing and government to assure the continual improvement of product and process to assure the competitiveness of manufacturing in a global economy.

Not only does this bill reauthorize the MEP program, the bill also ensures that all Federal programs dealing with manufacturing will coordinate their activities so we will get the most bang for the buck and the small manufacturer will be most able to take advantage of Federal support where appropriate. It will also fund a program that will improve collaboration with researchers and industry.

We need to foster stronger relationships between the research community and the business community to strengthen manufacturing in a period in which changes in technology, in process, and in management capability are occurring at a historic pace.

In my home State, the MEP program funds CONNSTEP, a public-private partnership that has created 1,300 jobs just in 2003. CONNSTEP provides a hand up for small manufacturers by giving them access to advances in technology and management techniques. Most importantly, it is a cost-effective partnership. For every one dollar in government investment, CONNSTEP creates \$4 in tax revenue.

America's free market philosophy has allowed us to be leaders in the

global economy. However, we can never forget that our competitors in Asia, Europe, and elsewhere have a long history of using the powers and resources of the state to bolster their companies.

Our companies, large and small, have demonstrated time and time again that they are the best because they are innovative and highly adaptable.

This bill, by my esteemed colleagues, the gentleman from Michigan (Mr. EHLERS) and the gentleman from New York (Mr. BOEHLERT), modernize the public-private partnership that in our country strengthens our manufacturing sector, but does it in a way that respects their independence, their ingenuity, vitality, and responsibility to be competitive. This bill will help our companies live up to the lofty goals of our economy, and I urge its support.

Mr. GORDON. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Chairman, I am disappointed that the Committee on Science has missed a golden opportunity to fashion a meaningful bipartisan manufacturing bill. The bill we are debating does little, other than providing an authorization for the Manufacturing Extension Program.

As much as I appreciate the MEP, a program President Bush has repeatedly tried to shut down, by the way, pretending that authorizing this single program is the only worthwhile step that can be taken to help our manufacturing sector shows a lack of imagination and political will.

I do not have time to cover all of the good amendments that Democrats offered in the committee, but I would like to discuss my amendment to authorize funding for the Advanced Technology Program, which was not made in order for the floor.

During the debate on the rule for consideration of this bill, it was said that this amendment should not be allowed because this bill was only supposed to be about Federal programs that were dedicated to manufacturing. But according to its statute, ATP was created "for the purpose of assisting United States businesses in creating and applying the generic technology and research results necessary to, one, commercialize significant new scientific discoveries and technologies rapidly; and, two, refine manufacturing technologies."

Mr. Chairman, ATP does provide significant support for manufacturing. In 43 competitions held between 1990 and 2004, 39 percent of the awards involve either direct or indirect development of advanced manufacturing technologies. ATP does this by helping small businesses, small companies. Over 85 percent of all manufacturing technical awards go to small companies, and average employment growth of small company projects is over 180 percent.

In light of these facts, I tried to offer an amendment to authorize money for ATP at \$169 million per year for fiscal

years 2005 through 2008 and focus the funding on manufacturing projects.

□ 1345

I am not alone in my support for ATP. The Committee on Science's 2004 Views and Estimates on the budget supported funding ATP at the same level in my amendment.

In fact, the gentleman from New York (Mr. BOEHLERT) and the gentleman from Michigan (Mr. EHLERS) both testified before the Subcommittee on Commerce, Justice, State of the Committee on Appropriations that ATP is "necessary to help provide the edge that U.S. manufacturers need to compete in the global economy."

Many associations support this. Let me close by saying I am disappointed that we are missing this opportunity to deal comprehensively with the long-fester problems of the U.S. manufacturing base. Unfortunately, because the Bush administration told the committee Republicans in negotiations that did not involve committee Democrats, that the President would not sign the bill if it did anything bold. And today we will be approving a bill that is not all it can be.

Mr. BOEHLERT. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Chairman, I thank the chairman of the Committee on Science for yielding me time, and I congratulate him and the gentleman from Michigan (Mr. EHLERS) for his work on this legislation in bringing it to the floor today.

It is absolutely critical that we pass this legislation and to provide some assistance back to our manufacturing sector. The administration in its report "Manufacturing in America, A Comprehensive Strategy To Address the Challenges to U.S. Manufacturers," highlighted the need for investment and innovation through enhanced partnerships for the transfer of technology and support for the Manufacturing Extension Partnership Program, the MEP program.

The U.S. has an excellent research foundation from which to develop manufacturing technology, but this process and the people that do technology transfer, they need help.

Manufacturing in America faces stiff challenges. The challenges today come from the nature of the competition. It is now a global economy. Competitors across the world are responding quicker, faster and more effectively to the needs of their customers. We need to help provide our manufacturers with the tools to compete. One of those tools is technology and innovation. The MEP program is that type of a program.

In west Michigan, this has been a very, very successful program. In Michigan, the MEP program has worked with over 587 small and medium-sized manufacturing firms throughout the State. In their 13-year history, they have worked with 25 per-

cent of all small and medium sized manufacturers in Michigan. This assistance increased and retained sales in amounts over \$70 million in just 2002. This assistance also aided in the creation or retention of over 800 jobs that would not have otherwise occurred.

I know this bill does not solve all of the issues or do everything that this Congress would like to do, specifically an amendment that was proposed by the gentleman from Illinois (Mr. EMANUEL) which would have fully funded the Jobs for the 21 Century Initiative, a program initiated by the President.

I look forward to working with my colleague to pass that legislation and do it through the Committee on Labor which has jurisdiction over that legislation.

Mr. GORDON. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, let me thank our leaders on the committee and our esteemed ranking member of the full committee.

I rise today and speak in support of my colleagues and the gentleman from Tennessee's (Mr. GORDON) amendment to the Manufacturing Technology Competitiveness Act of 2004.

The Gordon amendment provides a robust MEP program authorized for fiscal year 2005 to 2008; 10 percent above the fiscal year 2004 total; in fiscal year 2005, \$116 million and 10 percent per year increases. This compares with approximately a 4 percent increase per year in the base bill. The amendment also adjusts the current one-third Federal cost-share for 6 years and older MEP centers to be as much as one-half in the fiscal year 2005 only.

Unfortunately, when this bill was marked up in committee, this amendment along with all of the amendments that were offered by the Democratic side were voted down. Not because of the merit but because apparently they said the White House had indicated that they would not sign the bill if they did not do it the way they wanted them to do it. But let me assure you that we have lost so many manufacturing jobs.

In Texas alone, we have lost 178,000 since 2001 and overall 8.2 million throughout the country. And you can look at there chart and see all the jobs lost. Every State has lost many jobs. This is the area which we are talking about, manufacturing. And this is also where we need to give attention most.

We are not going to get the manufacturing jobs back that have left this country but we do have to create more. Any country without a manufacturing base will never have a stable economy, and the only way we are going to get it is to do the research, involve the small companies involved.

Let me conclude by saying that when we have this many people, 8.2 million Americans without employment, which accounts for 5.6 percent and over 10 percent African Americans are jobless,

we have to give attention to this manufacturing. I do not know what we are going to do instead of it, but I can assure you, Mr. Speaker, that we are missing the boat when it comes to making sure that Americans will have jobs in the future.

Mr. Chairman, I rise today to speak in support of my colleague's, Mr. GORDON's amendment to the Manufacturing Technology Competitiveness Act of 2004.

The Gordon amendment provides a robust MEP program authorization for FY 2005–2008 (10 percent above FY 2004 totals in FY 2005 (\$116 million) and 10 percent per year increases for FY 2006–2008). This compares with an approximately 4 percent increase per year in the base bill. The amendment also adjusts the current one-third federal cost-share for 6-year and older MEP Centers to be as much as one-half in fiscal year 2005 only. Unfortunately, when this bill was marked up in the Committee, this amendment, along with the vast majority of amendments from the Democratic side of the committee voted down.

This language is a necessary addition to the manufacturing bill because it provides a decent level of MEP authorization—essentially a small increase in FY 2005 and \$5 million per year more for FY 2006–2008.

This is certainly an improvement on the Bush administration's efforts to kill the program, but we can do better.

MEP's services continue to be under-utilized because of a lack of resources. A recent study by the National Association of Public Administrators found that small manufacturers are underserved by the MEP.

Given the tremendous leverage generated among small businesses by the program, its funding should be ramped up toward a doubling over the next 6–7 years.

In FY 2004, because of the Bush administration's budget proposal and the actions of the Republican Congress, the MEP program was only provided with one-third (\$39 million) of the funding necessary to maintain the existing network of MEP Centers (full funding would be \$106 million).

According to the Modernization Forum (the umbrella group of state MEP Centers), as of April, MEP Centers will have closed 58 regional offices and reduced staffing by 15 percent. If no additional funds are provided in FY 2005, 16 states may close their MEP Centers. Overall, the MEP Centers could reduce their staff by 50 percent and close half of their regional offices.

Another impact of the current funding shortfall is that Centers are focusing on larger manufacturers that can afford large dollar projects, raising rates beyond the reach of many small manufacturers, and serving few small manufacturers overall. This is a very important addition, especially at a time when over 8.2 million Americans are without employment, which accounts for 5.6 percent, and over 10% of African Americans are currently jobless.

Manufacturing had long been the engine that drove the American economy. Much of manufacturing is still in recession even as the rest of the economy moves forward.

As we debate this bill on the House floor today, I am hopeful that we can reach constructive consensus on many of the amendments being offered today.

Mr. BOEHLERT. Mr. Chairman, I yield 2 minutes to the gentlewoman

from Pennsylvania (Ms. HART) who is a valued member of the committee and a leader in enhancing the domestic manufacturing sector's ability to compete in a global marketplace.

Ms. HART. Mr. Chairman, I thank the gentleman for those kind words and thank him for moving this legislation.

The Manufacturing Technology Competitiveness Act is extremely important not only nationally, but for our competitiveness in the world. Western Pennsylvania, where I am from, has a long history of manufacturing and I support the programs that help our manufacturers to remain competitive.

H.R. 3598 supports small and medium-sized manufacturers. It helps them to improve their manufacturing processes. It also helps to improve their technology by establishing a pilot program to fund collaborations between universities and industries, that is our employers, to solve problems in manufacturing technology that companies and universities have not been able to solve on their own.

This legislation also ensures that Federal agencies will coordinate their programs related to manufacturing R&D and target them towards the concerns that matter most to industry by establishing an interagency committee on manufacturing research and development and an advisory committee of representatives from outside the Federal Government.

We have a shortage in this country of scientists and engineers. This bill will help train more students and senior researchers in the manufacturing sciences by establishing post-doctoral and senior research fellowships at NIST. This will help us fill that gap.

One provision in particular that I have been working on with my colleagues to secure funding for is the Manufacturing Extension Partnership program. We will reauthorize and improve MEP by passing this bill. We will help manufacturers to improve their processes, reduce waste, and train workers to become more efficient. MEP receives a third of its funding from the Federal Government, a third from the States, and a third from fees charged to those small manufacturers who participate. There are 60 MEP centers and 400 satellite institutions throughout the Nation. These programs make it possible for even the smallest firms to tap into the expertise of knowledgeable manufacturing and business specialists.

Each center, such as Catalyst Connection Pittsburgh, works directly with the manufacturers to provide expertise and service tailored most to their critical needs.

Mr. Chairman, I appreciate the gentleman bringing up this bill. I understand it will help our manufacturers be globally competitive, that will help us maintain our manufacturing sector and have it grow in the future.

Mr. GORDON. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Chairman, I thank gentleman from Tennessee (Mr. GORDON) for yielding me time.

Since 2001 the country has lost 2.7 million manufacturing jobs. Now, I offered an amendment which was President Bush's 21st Century Job Initiative in an act of bipartisanship. Let me quote what he said on April 5 when he introduced his initiative. "We are not training enough people to fill the jobs for the 21st century. There is a skills gap," the President says, "and if we do not adjust quickly, if we do not use our community colleges, we are going to have a shortage of skilled workers in the decades to come."

Now, when you were designing this bill, you did not include the President's initiative on the 21st Century for manufacturing jobs, so I offered it as an amendment. What does the Committee on Rules do? They knock it down and said, forget it.

I do not know how many times you are going to show disrespect to the President of the United States when he is trying to help with manufacturing jobs. He did not come up here and lobby for it, though. He did not send anybody here to lobby for his initiative, so I do not really so much think that you are showing disrespect because why should you include something the President does not care about? But it makes sense. Every budget he has proposed, he has tried to eliminate the manufacturing extension program, and we have resulted in 2.7 million jobs lost.

On top of that, when the President's economic advisor issued a report, he wanted to redefine flipping hamburgers as a manufacturing job. That is one way America can regain the manufacturing jobs we lost in America. Redefine them. No disrespect to the hamburger flippers in America, but I think there is something critically important about training workers using community colleges to, in fact, add and increase 100,000 workers, as the President of the United States said, in the high technology area of manufacturing. But this bill does not include it.

I still will support this bill because I do not believe in making the perfect the enemy of the good, or in this case, the good the enemy of the adequate. And that is all this bill will try to do, adequately tread water.

The fact is we have lost jobs over the last 3 years in manufacturing, 2.7 million of them, and the result has been because of basic attitude towards the manufacturing sector of benign neglect. The net result is Americans have lost their jobs, their health care, their retirement and their kids' college education because of it. I tried to offer the President's own initiative for the 21st century, and we will lose those jobs because we are not doing what we should be doing in a bipartisan fashion.

Mr. BOEHLERT. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. SMITH), the distinguished chairman of the Committee on

Research and the Committee on Science.

Mr. SMITH of Michigan. Mr. Chairman, this bill, H.R. 3598, will ensure that the Federal agencies will coordinate their programs. That is important. It expands the effort to have more students be trained in the manufacturing science. That is important. It ups the authorization amount for the MEP program.

Yesterday we passed a bill that increased the appropriations for that program, the Manufacturing Extension Program. I will just urge every small and medium-sized manufacturer in this country, everyone that knows somebody that works in that kind of industry, to take advantage of this program.

Look, you are getting expert advice for one-third of what it is otherwise going to cost you as a manufacturer for expert advice. The State provides one-third, the feds under our program provides one-third, that leaves one-third for the participating manufacturers. Use the program.

If you know somebody that is in the manufacturing arena, tell them to go to the Web site. Type in MEP and NIST and let a search engine find it. If you want the details, it is www.MEP.NIST.gov/state-affairs. It is a good program. Use it.

Mr. GORDON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a leader on the Committee on Science.

□ 1400

Ms. JACKSON-LEE of Texas. Mr. Chairman, I know full well the ranking member's commitment to job creation and knowing my good friend, the chairman, I also realize his commitment not only to the Committee on Science but also to creating opportunities for Americans; and I thank the ranking member and the subcommittee Chair, subcommittee ranking member also for their leadership.

But let me tell you why we are on the floor today as I support this legislation, obviously a bill that my good friend, the gentleman from Colorado (Mr. UDALL), first introduced to the United States Congress, because we are bleeding manufacturing jobs. We are losing them, and we are losing the ability to produce.

There are many things that America is all about, including our wonderful democratic principles, our courage; but we are producers, we manufacture. And my friends, if you look at this, you will understand why we are at the bottom of the heap on job creation and producing; and I think that we need more than this legislation on the floor of the House today. We know in Texas alone we are number two in the worst job loss in America, but it continues across the Nation. East coast, west coast, Midwest, South, Northwest, all of these States, 2.5 million jobs that we have lost.

So, frankly, what I am arguing for today is that we realize that we need a

more expansive commitment to creating jobs, the elimination, if you will, of outsourcing so we can create jobs, the idea that we are given to do things with our hands and minds so that we can produce. Agricultural production is one thing, but building things is another; and that is how we built great cities in the Midwest when we had steel factories producing steel and producing cars.

And so what I am asking for is that we do more than what this legislation says and that we enhance the creation of manufacturing jobs and that the President support and stand with us.

Let me also say we have all supported the MEPs. I am glad to hear my colleagues on the other side of the aisle support the MEPs. If you support MEP centers, then support the Jackson-Lee amendment which will preclude the closing of MEPs because under the present structure of the bill, all of our manufacturing partnership programs will be cancelled out because we will be recompetiting.

I ask my colleagues to support my amendment ultimately, but also to work with us to better create manufacturing jobs.

I will support H.R. 3598, the Manufacturing Technology Bill, because it is basically inoffensive. This bill started as a bold initiative from my colleague from Colorado Mr. UDALL. I wish we could have kept it stronger, and done more to make jobs for our struggling manufacturing sector. However, I do commend my colleagues from the Science Committee, Mr. EHLERS, and Chairman BOEHLERT for their leadership in pushing for some relief and stimulus for our sagging manufacturing sector.

The United States economy lost 2.5 million manufacturing jobs between January 2001 and January 2004. Although there have been some recent signs of movement in the job markets, too many people are still struggling with unemployment or underemployment. Texas was the second hardest hit of all States—losing over 45,000 jobs between August 2001 and August 2002.

Science and technology are truly the keys that will open the economy and careers of the future. Not only can technology develop products of the future—it can also be used to make making those products more efficient and cost-effective. That makes our businesses more competitive in the world market as they take market share, demand rises, and jobs are created. A solid manufacturing base is the bedrock of any strong economy. America has one of the greatest, hardest-working workforces in the world. The entrepreneurial spirit is strong in America. Small Federal investments and seed monies can be catalytic, and unleash the enormous potential of our manufacturing sector.

I know budgets are tight, due to fiscal mismanagement and a violent and expensive foreign policy. But we should not quit making smart investments in the future of our economy. That would be “penny wise but a pound foolish.” We should be investing, not only in traditional manufacturing jobs, but also in alternative energy sources like windmills and geothermal and solar panels and fuel cells. These are the fuels and jobs of the future. This bill seems to be being expedited to make

the newspapers by election time. I think if we had all worked together, we could have made this a more powerful Act, and still could have shown the voters what the 108th Congress is capable of.

Regardless, there are some good provisions of this bill. H.R. 3598 would establish an Interagency Committee on Manufacturing Research and Development to coordinate Federal manufacturing R&D efforts, and an advisory committee to guide those efforts. The interagency committee would prepare a strategic plan for manufacturing R&D, produce a coordinated interagency budget, and write an annual report on the Federal programs involved in manufacturing R&D. The President may designate existing bodies to serve as the committees.

It will establish a 3-year cost-shared, collaborative manufacturing R&D pilot grant program at NIST. It will establish a post-doctoral and senior research fellowship program in manufacturing sciences at NIST.

H.R. 3598 will reauthorize the MEP program and create an additional competitive grant program from which MEP centers can obtain supplemental funding for manufacturing-related projects.

Finally, the bill will authorize funding for NIST's Scientific, Technical, and Research Services account, the Baldrige Quality Award program, and the Construction and Maintenance account. H.R. 3598 would also establish a standards education grant program at NIST and authorize funding for it at \$773,000 in FY 2005, increasing to \$844,000 in FY 2008.

I will be offering an amendment later that will make these efforts stronger by protecting one of the most effective tools in the Federal manufacturing toolbox—the Manufacturing Extension Partnership program—from a wasteful recompetition, aimed at scaling back this vital program.

I hope my colleagues will support it, and support the underlying bill.

Mr. BOEHLERT. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I thank the gentleman for yielding me this time.

I stand today, I guess, as a pig at a wedding here between those who want to fund the program that probably ought to be defunded and those who want to fund it more than it is being funded at current.

The President said that we ought to hold the line at about \$35 million. The OMB analyzed the MEP and said, “Ultimately firms should be willing to pay for the cost of services that contribute to profitability if they determine the services are worth it.”

That is what we as Republicans ought to stand for, and instead we are saying let us help them out some more. For those who do not believe this is corporate welfare, I would suggest that you do go to the Web site, which says MEP is a nationwide network of not-for-profit centers in over 400 locations nationwide whose sole purpose is to provide small and medium-sized manufacturers with the help they need to succeed.

Well, I would suggest that if a business is having trouble succeeding, it is

probably because there is not a market for its good or services or its competitors are doing it better.

Now, is it our role as government to actually try to go in and help them out? I would say yes, but we ought to do it by little more of what the gentleman suggested was benign neglect. I think our small and medium-sized businesses out there are crying for a little benign neglect when it comes to government in terms of lesser taxes and less regulation. Let us give them more of what we have been over the past couple of years, which is lower taxes, less regulation, and let them compete on their own.

Now, I come from Arizona where we are long-suffering in terms of professional football. The Cardinals had fewer rushing touchdowns last year than they have in years past. What are we to do? Dispatch a government team or a bunch of experts to tell them how they can have more rushing touchdowns and compete a little more, put a little more fannies in the seats? I do not think we are going to do that, but reading this, I think, What is next? If we are going to do it for manufacturing, why not professional sports?

I would say it is time to back away. Government's role is to provide a conducive regulatory and tax environment and then please stay out of the way, particularly in times of human deficits, \$400 billion deficit this year, and we are increasing spending on this program. I would urge a rejection of the bill.

Mr. GORDON. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, we have lost over 2.5 million jobs, manufacturing jobs, under this administration. Actually, we have lost 2.7 million jobs. I guess we should not be surprised, considering that the President's economic report suggested fixing the job-loss problem by reclassifying fast-food jobs as manufacturing jobs and by nominating the exporter of U.S. jobs, Anthony Raimondo, as the new manufacturing czar. And he just did that 4 months ago.

Obviously, this administration does not get it, and neither does the leadership in the House. Why else would Republicans bring up a bill that would increase tax breaks for multinational corporations that ship jobs abroad? And why else would the President's chief economist endorse outsourcing as a long-term benefit for jobless Americans?

Well, obviously I believe that we need to be doing a lot more to encourage an increase in the number of manufacturing jobs in our country, but I am glad that after ignoring the country's manufacturing crisis for the last 3 years, we are here today taking a small step forward to reauthorize the Manufacturing Extension Partnerships. I am just sorry that we are not doing more.

Mr. GORDON. Mr. Chairman, I yield 2½ minutes to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I have got to tell you I am disappointed with this bill, but I do have to also tell you I support it, because it does more for our manufacturing sector than the administration is doing now. As my colleague, the gentlewoman from Texas (Ms. JACKSON-LEE), mentioned, the essence of the bill is a version of legislation I introduced last year, the America Manufacturing Works Act; but unlike my bill, this bill does little more than provide an authorization for the Manufacturing Extension Partnership. We could have and should have done so much more, such as authorizing the widely supported ATP program, strengthening the MEP program, which we are discussing now, authorizing an independent study on outsourcing and bolstering our manufacturing workforce education, among many other things.

Still, though, reauthorizing MEP is critical. It is one of the most successful Federal-State partnerships in government; and at a time when our manufacturing base is threatened, it makes no sense to eliminate a program that helps small and mid-sized American manufacturers modernize in order to compete in the demanding global marketplace they face.

Whether for reasons of substance or politics, this administration has finally recognized that eliminating MEP is a bad idea. Now, of course we will not know how sincere they are until we see the proposed funding levels for fiscal year 2006. But today this House has an opportunity to save this important program.

The Chairman, my good friend from New York, mentioned the reauthorization of the funding for NIST core laboratory programs; and this is important because as he knows and we all know, NIST worked to set standards and put measurement activities together to directly support the U.S.'s manufacturing base.

I am troubled, and I know the chairman knows I am, that we have refused to include specific amounts for the construction funding at NIST's Boulder campus, and in the past he has indicated his support for construction funds; and I hope that as we move forward he and I can work together so that such language translates into something meaningful.

In conclusion, as I did say, I support this bill. I believe it is a modest and narrow effort to support this country's manufacturing base. We have much more work to do, but this is a first step; and I urge its passage today.

I thank the gentleman for yielding me the time.

Mr. GORDON. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN).

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. Mr. Chairman, I do not have the privilege of being a member of

this committee, so maybe I can be blunt, though, I have affection for the Chair and my friend, the gentleman from Michigan (Mr. EHLERS). But when I look at these figures on the Manufacturing Extension Program (MEP), I think it is pretty clear what is happening here, and that is, we have an election-year conversion by the House majority to really cover a President who is still asleep at the switch on manufacturing.

We have lost, as has been said here, 2.7 million manufacturing jobs; but while this was happening, what did the House do and the Congress do last year? It cut the MEP by almost 63 percent, almost 63 percent. Now the majority comes back here and says let us restore the cut. That is the conversion.

As to where the President is, despite this mammoth loss of jobs, he proposed in 2003, \$12.9 million essentially to phase out MEP. He repeats that in 2004, phase it out essentially. Then 2005, with all of this loss of manufacturing, the President's request is \$39 million for MEP. That shows a lack of concern about what has been happening to manufacturing in my State and in this Nation.

Then the suggestion was, have an assistant Secretary for manufacturing. We said it was shuffling chairs. They did nothing to fill that shuffling of chairs for 6 months, and then they appoint somebody else who cannot be confirmed, and now they appoint somebody else and we are still waiting for confirmation.

No, this country needs leadership that is committed to manufacturing in the United States. I hope we will adopt the Gordon amendment. It would be a step forward.

Mr. GORDON. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I commend the committee for trying to do something to change the way we address the manufacturing needs in this Nation. We have many challenges facing the manufacturing sector today. With this bill, it is a start; but I am really disappointed that the bill continues to take the business-as-usual approach.

This is not a time for business as usual. We have lost, as my colleagues can see, throughout this country about 2.8 million manufacturing jobs since President Bush took office. In Michigan, like Ohio, Pennsylvania, Illinois, Texas, North Carolina, we have lost manufacturing jobs under this administration.

This legislation is only a drop in the bucket as to what we need. It cannot be the President's business-as-usual when it comes to manufacturing jobs.

I urge this administration, and we have written to Secretary Evans, we have written to the President, we have urged them to change course and support real action now to help our U.S. manufacturers. The administration

must change course and respond to the skyrocketing health care costs with a prescription drug card benefit that supports employer-provided coverage; address the employer/employee pension issues so that employers can contribute the appropriate amount to the pension funds, freeing up resources for investment, hiring, and wage increases; take action to level the international playing field on these so-called trade agreements we have. They are not fair, but they are certainly free and giving away our jobs.

We urge the President and this administration to support partnerships with the States, businesses and employees which promote research and development, future technologies and a trained workforce. Until we do this, as we Democrats have been advocating for some time, this bill will only be a drop in the bucket to support our U.S. manufacturing.

Mr. BOEHLERT. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Georgia (Mr. GINGREY), a valued member of the committee.

Mr. GINGREY. Mr. Chairman, I thank the chairman for yielding me the time.

Mr. Chairman, my colleague on this side of the aisle and my teammate on the Republican congressional baseball team was just in the well, and I think he was speaking against this bill and making an analogy between professional sports teams. I think he mentioned the football team in Arizona and that if we are going to support the manufacturers, we might as well be for supporting professional sports. With all due respect to the gentleman from Arizona, I think the manufacturing sector in this country is a lot more important than any professional sports team.

H.R. 3598 supports small and medium-sized manufacturers by reauthorizing and improving the highly successful Manufacturing Extension Partnership program, MEP. This program helps businesses improve manufacturing processes, reduce waste, and train workers on how to use new equipment. MEP receives one-third of its funding from the Federal Government, one-third from the States, and one-third actually from fees charged to participating small businesses, small manufacturers.

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There are 60 MEP centers and 400 satellite institutions throughout the country.

But, Mr. Chairman, let me talk briefly about Georgia. The Georgia Manufacturing Extension Partnership consists of 19 regional offices, four of which are in my district, the 11th District of Georgia, Carrollton, Cartersville, Newman, and Rome, Georgia. It is lead by the Economic Development Institute at my alma mata, the Georgia Institute of Technology, Georgia Tech.

The MEP program has a proven track record. It works directly with local

manufacturers to help them improve manufacturing processes, train workers, improve business practices, and apply information technology to their companies. Solutions are offered through a combination of direct assistance from center staff and outside experts.

The Rome-Floyd Recycling Center, Mr. Chairman, is a perfect example. They were struggling, about to go under. But when the MEP program came and helped them and brought in engineers and showed them how to process that recycling and streamline that operation, they began making money and employing people right in my district.

In Georgia, during 2002, MEP assistance helped companies retain or create more than 1,300 jobs, invest more than \$33 million, and cut \$13 million in unnecessary costs and increase or retain \$61 million in sales.

Mr. Chairman, H.R. 3598 and its authorization of returning funding levels for MEPs back to an effective level will greatly influence the retention and creation of manufacturing jobs throughout Georgia and the Nation. Let us support this good legislation on behalf of the distressed manufacturing sector.

Mr. GORDON. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. MILLER), an active member of the Committee on Science.

Mr. MILLER of North Carolina. Mr. Chairman, I thank the gentleman from Tennessee for yielding me this time, and I agree that this is a bill with disappointingly modest ambitions, but one that we must support today.

Many Members have talked about manufacturing job losses in the country. In North Carolina, it is 150,000 manufacturing jobs in the last 3 years. It has cut into the backbone of the traditional basis of the North Carolina economy. There have been textile industry jobs, tobacco jobs, furniture jobs, the jobs that North Carolinians have depended on to support themselves and their families.

I have talked to a lot of workers who have lost their jobs. They are very realistic. They do not ask how are we going to bring those jobs back. They know those jobs are gone forever. The employers have not simply cut a shift, they have closed the factory. It is padlocked and the equipment sold. The employees have either gone overseas or they are just flat out of business. Their question, instead, is where are the new jobs going to come from and what are we doing to bring new jobs here? And my answer is: We are not doing nearly enough. We are not doing nearly enough.

They know that service sector jobs will be no answer. We cannot prosper as a service economy. We cannot simply cut each other's hair or sell each other insurance or give each other golf lessons. We have to make things. The heart and soul of our economy is manufacturing. It is the basis upon which our economy exists. It is the basis of

our prosperity and we are not doing nearly enough to protect it.

Let me tell you what the Manufacturing Extension Partnership has done in our State. In 2002, there was an independent Federal survey of the MEP program, which is called the Industrial Extension Service in North Carolina. As a result of the help, the service, the advice that the Industrial Extension Services gave to some 367 employers that year, they achieved \$85.6 million in savings as a result of the efficiencies they were able to achieve. As a result of that, North Carolina was able to save 1,119 jobs and create 193 new ones.

Mr. Chairman, the Industrial Extension Service, the Manufacturing Extension Partnership, is something we should be doing better by, not cutting.

Mr. GORDON. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore (Mr. SIMPSON). The gentleman from Tennessee (Mr. GORDON) has 3 minutes remaining, and the gentleman from New York (Mr. BOEHLERT) has 2½ minutes remaining.

Mr. GORDON. Mr. Chairman, I yield myself the balance of my time to close, then. And let me just respond very quickly to a statement that the gentleman from Arizona (Mr. FLAKE) made in the well of the House earlier. And I think it was a very honest statement on his part about his feelings, and I think it reflects that of the administration and, really, of the majority of the Republicans over the last 3 years, and that is, let the strong survive and the weak will move aside, and that is the best thing we can do for our economy. Well, unfortunately, the strong are surviving, but they are surviving by or prospering by sending jobs offshore.

So let me say what MEP really is about, for the 99 percent of America who do not know what these initials stands for. Right now, small- and medium-sized manufacturing businesses cannot afford to have full-time experts, specialists, and technicians on their staff like the big guys can. So what MEP does, it is a State-based program that allows these small- and medium-sized manufacturers to combine their resources and go to the State and get some help on a project here, a project there, where they could not afford to have that full-time expert. It makes them more productive, it allows them to be more competitive internationally, it creates additional jobs, and it returns many, many, many more dollars to the Federal Government than is sent out.

Also, let me explain the leveraging that goes on here. The money that the Federal Government puts into the MEP program is matched by the State. And States that are hard-pressed now are glad to get whatever money they can. So the Federal Government puts up one-third, the State puts up one-third, and then the local manufacturer puts up one-third, because they think it is that important. Together, they are

then able to pool their resources and have this additional expertise to make our country more productive.

That is what the MEP is all about, and that is why we want to see MEP not done away, as the gentleman from Arizona (Mr. FLAKE) honestly suggested, but it should be expanded to help our country be more productive.

Mr. Chairman, I yield back the balance of my time.

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume, and before I actually close, let me thank all of the staff who worked so hard on this over the past year: Olwen Huzley, Eric Webster, Amy Carroll, David Goldston on the committee staff; and Cameron Wilson on the staff of the gentleman from Michigan (Mr. EHLERS), who, happily, could not be with us today because of the birth of Nolan Eric Wilson. We wish Nolan, Cameron and Laura Wilson our very best. Our staff finds many ways to contribute to the Nation's future.

And, Mr. Chairman, let me thank my colleagues on the other side of the aisle. We have worked in a bipartisan fashion to create a good bill. There are some differences over the level of funding, but I will say that we are on the same wavelength with respect to our admiration and affection for the Manufacturing Extension Partnership and we can proudly go forward with the committee's bill.

That is what this bill is all about. It is about jobs, it is about helping the manufacturing sector. And to the gentleman from Arizona (Mr. FLAKE) I would point out, if manufacturing in America was subsidized to the extent that government subsidized professional sports is, they would be in heaven.

H.R. 3598 will help ensure that our Nation has good, high-paying, productive manufacturing jobs for years to come, and I urge its adoption.

Mr. KIND. Mr. Chairman, America's manufacturing sector has been in crisis for the past 4 years with over 2.7 million quality jobs lost, including 80,000 in my home state of Wisconsin. Congress must act to stem this trend and invest in programs that help our Nation's manufacturers compete and grow in the global economy.

Throughout the Third Congressional District, I have been meeting with local business owners, workers, educators, and government officials to discuss economic challenges facing Wisconsin to determine what can be done to help Wisconsin businesses grow. As a member of the Congressional Manufacturing Task Force, I have focused on how the federal government can most effectively help small- and medium-sized manufacturers compete and grow. There are no easy answers to this problem, but through good investments and smart practices, the federal government can better assist American companies and help America keep its economic edge.

One of the most successful programs helping manufacturers throughout the Nation is the Manufacturing Extension Partnership (MEP) program within the Department of Commerce's

National Institutes of Standards and Technology. Through a national network of manufacturing extension centers, MEP is designed to benefit domestic manufacturers by providing expertise and services tailored to their most critical needs. This includes assistance in process improvements, worker training, and information technology applications. In Wisconsin, MEP has served over 110 firms.

To strengthen this program, I support an amendment offered by Representative GORDON to increase the authorization limit for MEP and help states match funding so more businesses can benefit. With our manufacturing sector suffering, it is important that we build on the successes of the MEP program.

In addition, I support the amendment offered by Representative JACKSON-LEE to halt a misguided proposal by the Administration to "re-compete" MEP centers. Recompensation of MEP centers could destroy the effective national system of centers established over the past 14 years. This could result in fewer projects initiated and consumes valuable resources that could be used to help American businesses.

Mr. Chairman, it is important that we step up and help manufacturers in real, measurable ways. I urge my colleagues on both sides of the aisle to continue to invest in small- and medium-sized businesses.

Mr. CASTLE. Mr. Chairman, I rise today to strongly support this legislation. The Delaware Manufacturing Extension Partnership (DEMEP) has been part of the national MEP program since 1994 and in 1999 it entered into a partnership with the Delaware Chamber of Commerce, the Delaware State Technical and Community College, and the Delaware Economic Development Office.

The Federal funding they receive through the national MEP program has helped them to develop the resources to be able to reach the small and medium-sized manufacturers in their delivery area.

Delaware MEP has 3 locations in Delaware and is currently assisting 1,100 Delaware manufacturers. Delaware MEP is showing a greater than 8 to 1 impact in terms of economic impact per every Federal dollar spent. The manufacturing sector in Delaware is dealing with the same burdens that are affecting all U.S. manufacturers—among them are the rising costs of labor, health care, energy, and regulatory costs. These obstacles contributed to the October 2003 statistics shared by the Delaware Department of Labor that measured 3,900 manufacturing jobs lost in the last 12 months. The Delaware MEP exists to strengthen local manufacturers by assisting them in dealing with these issues.

This year marks the 10th anniversary of the Delaware MEP, a strong Federal, State, and industry partnership. For 10 years, they have successfully strengthened competitiveness, improved productivity, and increased profits for Delaware manufacturers by guiding them in the implementation of best practices.

Programs such as Lean Manufacturing and Quality Management Systems have helped companies record significant improvements in productivity and profitability. ILC Dover, Inc., a manufacturer of protective equipment and engineered inflatables for NASA shuttle astronauts and other industrial customers, reported production improvements gains of 41 percent in 6 months from use of the Lean Manufacturing program.

Many other Delaware manufacturers have increased their productivity and decreased waste, thanks to this program. Allied Precision Inc., a Newark-based manufacturer of precision components for the aerospace, automotive, and military industries, risked losing a major client unless they adopted international standards of quality. They turned to the Delaware MEP quality management program for assistance to meet those standards and were able to gain international registration for meeting those standards and are now competing for and being awarded foreign contracts.

The Delaware MEP will continue to access its many local, regional and national resources to bring innovative programs to Delaware manufacturers to serve their competitive needs and help companies compete and prosper.

Mr. Chairman, this bill will be a key driver in supporting the Delaware and the U.S. manufacturing sectors and help them create jobs to further strengthen our economy. Support this legislation.

Mr. HONDA. Mr. Chairman, I am disappointed that the Science Committee has missed a golden opportunity to fashion a meaningful, bipartisan manufacturing bill. The bill we are debating does little other than providing an authorization for the Manufacturing Extension Program (MEP). As much as I appreciate MEP, a program President Bush has repeatedly tried to shut down by the way, pretending that authorizing this single program is the only worthwhile step that can be taken to help our manufacturing sector shows a lack of imagination and political will.

I don't have time to cover all of the good amendments that Democrats offered in Committee, but I would like to discuss my amendment to authorize funding for the Advanced Technology Program (ATP), which was not made in order for floor consideration. During debate on the Rule for consideration of this bill, it was said that this amendment should not have been allowed because this bill was only supposed to be about Federal programs that were dedicated to manufacturing. But according to its statute, ATP was created "for the purpose of assisting United States businesses in creating and applying the generic technology and research results necessary to (1) commercialize significant new scientific discoveries and technologies rapidly and (2) refine manufacturing technologies. And ATP does provide significant support for manufacturing. In 43 competitions held between 1990 and 2004, 39 percent of the awards involve either direct or indirect developments of advanced manufacturing technologies. ATP does this by helping small companies—over 85 percent of all manufacturing technical awards go to small companies, and average employment growth of small company projects is over 180 percent.

In light of these facts, I tried to offer an amendment to authorize funding for ATP at \$169 million per year for fiscal years 2005 through 2008, and focus the funding on manufacturing projects. I am not alone in my support for ATP—the Science Committee's 2004 Views and Estimates on the Budget supported funding ATP at the level in my amendment. In fact, Chairman BOEHLERT and Chairman EHLERS both testified before the Commerce, Justice, State Appropriations subcommittee that ATP is "necessary to help provide the edge that U.S. manufacturers need to com-

pete in the global economy." Many outside groups have expressed support for ATP, including the Electronics Industries Alliance, the International Economic Development Council, ASTRA (The Alliance for Science and Technology Research in America), the Council on Competitiveness, the National Association of Manufacturers (NAM) and its Coalition for the Future of Manufacturing.

One of the members of the Majority on the Rules Committee said that we should be taking guidance from the National Association of Manufacturers (NAM) as we consider this bill. Well, I did, and they said we need to fund ATP. But apparently the Rules Committee wasn't listening to NAM when they prevented me from offering my amendment.

I am going to support the underlying bill, because it is not objectionable. But I am disappointed that we are missing this opportunity to deal comprehensively with the long-festering problems of the U.S. manufacturing base.

Outside experts have told us that the future of American manufacturing lies in our ability to promote risk taking. We should be doing a little risk taking ourselves here today and investing in the innovation that will be needed to preserve the future of American manufacturing. Unfortunately, because the Bush Administration told the committee Republicans in negotiations that did not involve committee Democrats that the President would not sign the bill if it did anything bold, today we will be approving a bill that is not all that it could be.

Mr. BOEHLERT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. All time for general debate has expired. Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule, and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3598

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Manufacturing Technology Competitiveness Act of 2004".

SEC. 2. INTERAGENCY COMMITTEE AND ADVISORY COMMITTEE.

(a) INTERAGENCY COMMITTEE.—

(1) ESTABLISHMENT.—The President shall establish or designate an interagency committee on manufacturing research and development, which shall include representatives from the Office of Science and Technology Policy, the National Institute of Standards and Technology, the Science and Technology Directorate of the Department of Homeland Security, the National Science Foundation, the Department of Energy, and any other agency that the President may designate. The Interagency Committee shall be chaired by the Under Secretary of Commerce for Technology.

(2) FUNCTIONS.—The Interagency Committee shall be responsible for the planning and coordination of Federal efforts in manufacturing research and development through—

(A) establishing goals and priorities for manufacturing research and development, including the strengthening of United States manufacturing through the support and coordination of Federal manufacturing research, development, technology transfer, standards, and technical training;

(B) developing, within 6 months after the date of enactment of this Act, and updating every 3 years for delivery with the President's annual budget request to Congress, a strategic plan, to be transmitted to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, for manufacturing research and development that includes an analysis of the research, development, technology transfer, standards, technical training, and integration needs of the manufacturing sector important to ensuring and maintaining United States competitiveness;

(C) proposing an annual coordinated interagency budget for manufacturing research and development to the Office of Management and Budget; and

(D) developing and transmitting to Congress an annual report on the Federal programs involved in manufacturing research, development, technical training, standards, and integration, their funding levels, and their impacts on United States manufacturing competitiveness, including the identification and analysis of the manufacturing research and development problems that require additional attention, and recommendations of how Federal programs should address those problems.

(3) **RECOMMENDATIONS AND VIEWS.**—In carrying out its functions under paragraph (2), the Interagency Committee shall consider the recommendations of the Advisory Committee and the views of academic, State, industry, and other entities involved in manufacturing research and development.

(b) **ADVISORY COMMITTEE.**—

(1) **ESTABLISHMENT.**—Not later than 6 months after the date of enactment of this Act, the President shall establish or designate an advisory committee to provide advice and information to the Interagency Committee.

(2) **RECOMMENDATIONS.**—The Advisory Committee shall assist the Interagency Committee by providing it with recommendations on—

(A) the goals and priorities for manufacturing research and development;

(B) the strategic plan, including proposals on how to strengthen research and development to help manufacturing; and

(C) other issues it considers appropriate.

(3) **REPORT.**—The Advisory Committee shall provide an annual report to the Interagency Committee and the Congress that shall assess—

(A) the progress made in implementing the strategic plan and challenges to this progress;

(B) the effectiveness of activities under the strategic plan in improving United States manufacturing competitiveness;

(C) the need to revise the goals and priorities established by the Interagency Committee; and

(D) new and emerging problems and opportunities affecting the manufacturing research community, research infrastructure, and the measurement and statistical analysis of manufacturing that may need to be considered by the Interagency Committee.

(4) **FEDERAL ADVISORY COMMITTEE ACT APPLICATION.**—Section 14 of the Federal Advisory Committee Act shall not apply to the Advisory Committee.

SEC. 3. COLLABORATIVE MANUFACTURING RESEARCH PILOT GRANTS.

The National Institute of Standards and Technology Act is amended—

(1) by redesignating the first section 32 as section 34 and moving it to the end of the Act; and

(2) by inserting before the section moved by paragraph (1) the following new section:

“SEC. 33. COLLABORATIVE MANUFACTURING RESEARCH PILOT GRANTS.

“(a) **AUTHORITY.**—

“(1) **ESTABLISHMENT.**—The Director shall establish a pilot program of awards to partnerships among participants described in paragraph (2) for the purposes described in paragraph (3). Awards shall be made on a peer-reviewed, competitive basis.

“(2) **PARTICIPANTS.**—Such partnerships shall include at least—

“(A) 1 manufacturing industry partner; and

“(B) 1 nonindustry partner.

“(3) **PURPOSE.**—The purpose of the program under this section is to foster cost-shared collaborations among firms, educational institutions, research institutions, State agencies, and nonprofit organizations to encourage the development of innovative, multidisciplinary manufacturing technologies. Partnerships receiving awards under this section shall conduct applied research to develop new manufacturing processes, techniques, or materials that would contribute to improved performance, productivity, and competitiveness of United States manufacturing, and build lasting alliances among collaborators.

“(b) **PROGRAM CONTRIBUTION.**—Awards under this section shall provide for not more than one-third of the costs of a partnership. Not more than an additional one-third of such costs may be obtained directly or indirectly from other Federal sources.

“(c) **APPLICATIONS.**—Applications for awards under this section shall be submitted in such manner, at such time, and containing such information as the Director shall require. Such applications shall describe at a minimum—

“(1) how each partner will participate in developing and carrying out the research agenda of the partnership;

“(2) the research that the grant would fund; and

“(3) how the research to be funded with the award would contribute to improved performance, productivity, and competitiveness of the United States manufacturing industry.

“(d) **SELECTION CRITERIA.**—In selecting applications for awards under this section, the Director shall consider at a minimum—

“(1) the degree to which projects will have a broad impact on manufacturing;

“(2) the novelty and scientific and technical merit of the proposed projects; and

“(3) the demonstrated capabilities of the applicants to successfully carry out the proposed research.

“(e) **DISTRIBUTION.**—In selecting applications under this section the Director shall ensure, to the extent practicable, a distribution of overall awards among a variety of manufacturing industry sectors and a range of firm sizes.

“(f) **DURATION.**—In carrying out this section, the Director shall run a single pilot competition to solicit and make awards. Each award shall be for a 3-year period.”.

SEC. 4. MANUFACTURING FELLOWSHIP PROGRAM.

Section 18 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-1) is amended—

(1) by inserting “(a) **IN GENERAL.**—” before “The Director is authorized”; and

(2) by adding at the end the following new subsection:

“(b) **MANUFACTURING FELLOWSHIP PROGRAM.**—

“(1) **ESTABLISHMENT.**—To promote the development of a robust research community working at the leading edge of manufacturing sciences, the Director shall establish a program to award—

“(A) postdoctoral research fellowships at the Institute for research activities related to manufacturing sciences; and

“(B) senior research fellowships to established researchers in industry or at institutions of higher education who wish to pursue studies related to the manufacturing sciences at the Institute.

“(2) **APPLICATIONS.**—To be eligible for an award under this subsection, an individual shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

“(3) **STIPEND LEVELS.**—Under this section, the Director shall provide stipends for postdoctoral

research fellowships at a level consistent with the National Institute of Standards and Technology Postdoctoral Research Fellowship Program, and senior research fellowships at levels consistent with support for a faculty member in a sabbatical position.”.

SEC. 5. MANUFACTURING EXTENSION.

(a) **MANUFACTURING CENTER EVALUATION.**—Section 25(c)(5) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(c)(5)) is amended by inserting “A Center that has not received a positive evaluation by the evaluation panel shall be notified by the panel of the deficiencies in its performance and may be placed on probation for one year, after which time the panel may reevaluate the Center. If the Center has not addressed the deficiencies identified by the panel, or shown a significant improvement in its performance, the Director may conduct a new competition to select an operator for the Center or may close the Center.” after “sixth year at declining levels.”.

(b) **MANUFACTURING EXTENSION CENTER COMPETITIVE GRANT PROGRAM.**—Section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k) is amended by adding at the end the following new subsection:

“(e) **COMPETITIVE GRANT PROGRAM.**—

“(1) **ESTABLISHMENT.**—The Director shall establish, within the Manufacturing Extension Partnership program under this section and section 26 of this Act, a program of competitive awards among participants described in paragraph (2) for the purposes described in paragraph (3).

“(2) **PARTICIPANTS.**—Participants receiving awards under this subsection shall be the Centers, or a consortium of such Centers.

“(3) **PURPOSE.**—The purpose of the program under this subsection is to develop projects to solve new or emerging manufacturing problems as determined by the Director, in consultation with the Director of the Manufacturing Extension Partnership program, the Manufacturing Extension Partnership National Advisory Board, and small and medium-sized manufacturers. One or more themes for the competition may be identified, which may vary from year to year, depending on the needs of manufacturers and the success of previous competitions. These themes shall be related to projects associated with manufacturing extension activities, including supply chain integration and quality management, or extend beyond these traditional areas.

“(4) **APPLICATIONS.**—Applications for awards under this subsection shall be submitted in such manner, at such time, and containing such information as the Director shall require, in consultation with the Manufacturing Extension Partnership National Advisory Board.

“(5) **SELECTION.**—Awards under this subsection shall be peer reviewed and competitively awarded. The Director shall select proposals to receive awards—

“(A) that utilize innovative or collaborative approaches to solving the problem described in the competition;

“(B) that will improve the competitiveness of industries in the region in which the Center or Centers are located; and

“(C) that will contribute to the long-term economic stability of that region.

“(6) **PROGRAM CONTRIBUTION.**—Recipients of awards under this subsection shall not be required to provide a matching contribution.”.

SEC. 6. SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES.

(a) **LABORATORY ACTIVITIES.**—There are authorized to be appropriated to the Secretary of Commerce for the scientific and technical research and services laboratory activities of the National Institute of Standards and Technology—

(1) \$425,688,000 for fiscal year 2005, of which—

(A) \$55,777,000 shall be for Electronics and Electrical Engineering;

(B) \$29,584,000 shall be for Manufacturing Engineering;

(C) \$50,142,000 shall be for Chemical Science and Technology;

(D) \$42,240,000 shall be for Physics;

(E) \$62,724,000 shall be for Material Science and Engineering;

(F) \$23,594,000 shall be for Building and Fire Research;

(G) \$60,660,000 shall be for Computer Science and Applied Mathematics, of which \$2,800,000 shall be for activities in support of the Help America Vote Act of 2002;

(H) \$17,445,000 shall be for Technical Assistance; and

(I) \$78,102,000 shall be for Research Support Activities;

(2) \$446,951,000 for fiscal year 2006;

(3) \$469,299,000 for fiscal year 2007; and

(4) \$492,764,000 for fiscal year 2008.

(b) MALCOLM BALDRIGE NATIONAL QUALITY AWARD PROGRAM.—There are authorized to be appropriated to the Secretary of Commerce for the Malcolm Baldrige National Quality Award program under section 17 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a)—

(1) \$5,400,000 for fiscal year 2005;

(2) \$5,535,000 for fiscal year 2006;

(3) \$5,674,000 for fiscal year 2007; and

(4) \$5,815,000 for fiscal year 2008.

(c) CONSTRUCTION AND MAINTENANCE.—There are authorized to be appropriated to the Secretary of Commerce for construction and maintenance of facilities of the National Institute of Standards and Technology such sums as may be necessary for each of fiscal years 2005 through 2008.

SEC. 7. STANDARDS EDUCATION PROGRAM.

(a) PROGRAM AUTHORIZED.—(1) As part of the Teacher Science and Technology Enhancement Institute Program, the Director of the National Institute of Standards and Technology shall carry out a Standards Education program to award grants to institutions of higher education to support efforts by such institutions to develop curricula on the role of standards in the fields of engineering, business, science, and economics. The curricula should address topics such as—

(A) development of technical standards;

(B) demonstrating conformity to standards;

(C) intellectual property and antitrust issues;

(D) standardization as a key element of business strategy;

(E) survey of organizations that develop standards;

(F) the standards life cycle;

(G) case studies in effective standardization;

(H) managing standardization activities; and

(I) managing organizations that develop standards.

(2) Grants shall be awarded under this section on a competitive, merit-reviewed basis and shall require cost-sharing from non-Federal sources.

(b) SELECTION PROCESS.—(1) An institution of higher education seeking funding under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require. The application shall include at a minimum—

(A) a description of the content and schedule for adoption of the proposed curricula in the courses of study offered by the applicant; and

(B) a description of the source and amount of cost-sharing to be provided.

(2) In evaluating the applications submitted under paragraph (1) the Director shall consider, at a minimum—

(A) the level of commitment demonstrated by the applicant in carrying out and sustaining lasting curricula changes in accordance with subsection (a)(1); and

(B) the amount of cost-sharing provided.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce for the Teacher Science

and Technology Enhancement Institute program of the National Institute of Standards and Technology—

(1) \$773,000 for fiscal year 2005;

(2) \$796,000 for fiscal year 2006;

(3) \$820,000 for fiscal year 2007; and

(4) \$844,000 for fiscal year 2008.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) MANUFACTURING EXTENSION PARTNERSHIP PROGRAM.—There are authorized to be appropriated to the Secretary of Commerce, or other appropriate Federal agencies, for the Manufacturing Extension Partnership program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l)—

(1) \$110,000,000 for fiscal year 2005, of which not more than \$4,000,000 shall be for the competitive grant program under section 25(e) of such Act (15 U.S.C. 278k(e));

(2) \$115,000,000 for fiscal year 2006, of which not more than \$4,100,000 shall be for the competitive grant program under section 25(e) of such Act (15 U.S.C. 278k(e));

(3) \$120,000,000 for fiscal year 2007, of which not more than \$4,200,000 shall be for the competitive grant program under section 25(e) of such Act (15 U.S.C. 278k(e)); and

(4) \$125,000,000 for fiscal year 2008, of which not more than \$4,300,000 shall be for the competitive grant program under section 25(e) of such Act (15 U.S.C. 278k(e)).

In any fiscal year for which appropriations are \$106,000,000 or greater, none of the funds appropriated pursuant to this subsection shall be used for a general recompetition of Centers established under section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k).

(b) COLLABORATIVE MANUFACTURING RESEARCH PILOT GRANTS PROGRAM.—There are authorized to be appropriated to the Secretary of Commerce for the Collaborative Manufacturing Research Pilot Grants program under section 33 of the National Institute of Standards and Technology Act—

(1) \$10,000,000 for fiscal year 2005;

(2) \$10,000,000 for fiscal year 2006; and

(3) \$10,000,000 for fiscal year 2007.

(c) FELLOWSHIPS.—There are authorized to be appropriated to the Secretary of Commerce for Manufacturing Fellowships at the National Institute of Standards and Technology under section 18(b) of the National Institute of Standards and Technology Act, as added by section 4 of this Act—

(1) \$1,500,000 for fiscal year 2005;

(2) \$1,750,000 for fiscal year 2006;

(3) \$2,000,000 for fiscal year 2007; and

(4) \$2,250,000 for fiscal year 2008.

The CHAIRMAN pro tempore. No amendment to the committee amendment is in order excepted those printed in House Report 108-589. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in House report 108-589.

AMENDMENT NO. 1 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Ms. JACKSON-LEE of Texas:

In section 8(a), strike "In any fiscal year for which appropriations are \$106,000,000 or greater, none" and insert "None".

The CHAIRMAN pro tempore. Pursuant to House Resolution 706, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from New York (Mr. BOEHLERT) each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE of Texas.)

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume, and I want to thank again the ranking member for his leadership as well as the chairman. In many instances, we have come to this floor in a bipartisan manner.

Let me say to my colleagues that I frankly believe most of my argument has already been made by the Members on the floor. If I might cite my good friend, the gentleman from Georgia (Mr. GINGREY), he said MEPs have a proven track record. They have helped save 1,300 jobs and they have helped re-instate or boost up some \$61 million.

If we look at a map, we will see that MEPs, that is centers that help create manufacturing jobs, are spread throughout the Nation. I hold up for you four or five pages of MEP centers around the Nation. This must mean that they are important to us. But, unfortunately, this legislation suggests something other than that. Because what this legislation asks these centers to do is to re-compete.

Now, in terms of productivity, that means we are wasting time on paperwork when it has already been established that these are efficient, effective centers that help create American jobs. All centers have already successfully competed for funding. Furthermore, according to an existing Public Law and NIST regulations, they are reviewed for performance every 2 years. The administration now wants to make all centers, regardless of past performance, reapply and re-compete for funding. This is redundant and it is a waste of time.

Ask any small business whether or not they want to have a center in their locale stop work for 45 to 60 days to fool around with what they already do, which is a competitive, accurate and very detailed review every 2 years, while that small business's doors are being closed.

The administration wants to use re-competition to lock the program in to last year's low funding. What that mean, my colleagues? According to the gentleman from Georgia (Mr. GINGREY) it means those with a proven track record, those that have already proven to be effective, and those centers, according to the gentleman from Tennessee (Mr. GORDON), whose excellent assistance is very much valued, it

means we are targeting them for closing. This will just continue the downward trend of the loss of manufacturing jobs.

As I said, under current law, the centers are reviewed every 2 years. They are located all over the Nation. And, in fact, rescissions in 4 of the past 5 years have lowered the amount of money we have appropriated. So what is in the bill does not work. My good friend, the chairman, has put in \$106 million and says we do not have to re-compete. Well, my colleagues, we have no guarantee it will be \$106 million, and, before we know it, we will be closing these centers all over the country.

Let me cite for a moment what happened in Texas with the Texas Manufacturing Extension Center. Following a tour of Garrett's manufacturing facility, that is a place in Texas, we found out that they had problems. Imagine, if you will, with the work of the Texas Manufacturing Assistance Center, we put that Garrett Company right back on its feet, and I am delighted to report that they have increased their production between 2001 and 2003 and they reduced their required floor space by 33 percent. They are producing jobs, making things with their hands and their minds. That is what these centers help us do.

I offer this amendment because it strikes this recompetition, because recompetition, my colleagues, means closing down these centers and losing manufacturing jobs.

Mr. Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. GORDON), the distinguished ranking member.

Mr. GORDON. Mr. Chairman, I rise in strong support of the Jackson-Lee amendment.

Mr. Chairman, I know our chairman, the gentleman from New York (Mr. BOEHLERT), strongly supports the MEP program, but he also knows that this administration does not. In the last 3 years, they have tried to close down the MEP program. The Jackson-Lee amendment simply stops the administration from doing administratively what they have not been able to do legislatively.

I ask my colleagues to support this amendment and to keep a strong MEP program.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself the balance of my time, and I thank the distinguished ranking member.

Let me just say that I am prepared to support this legislation. As I indicated, it is a partnership between the bill offered by the gentleman from Colorado (Mr. UDALL), which would have flourished more, but we recognize and respect what has been attempted here. I wish we could work in a bipartisan way on this, but I am not going to stand by, and I do not think any Member should stand by, and as our ranking member said, do a back-door closing of these centers which are valuable in creating jobs.

Mr. Chairman, every one of us can cite examples of the value of this program. And I just want to remind my colleagues that if they allow this engagement in recompetition, they will be engaged in a shutdown of centers in their communities. But, more importantly, they are going to shut them down for 60 days while small businesses and manufacturing companies need them.

We can adhere to a system that works, the 2-year review, and I will cite the gentleman from Georgia once again. This program has a proven track record and we do not need to have a recompetition. I ask for support of the Jackson-Lee amendment.

Mr. Chairman, my amendment will ensure that already-tight funding of the vital Manufacturing Extension Partnership (MEP) program is not wasted on an unnecessary "re-competition" process. MEP has proven itself to be one of the most sound investments we have made in our manufacturing sector.

In all of our districts, there are many small businesses that have gone to MEP centers, and taken advantage of the federal seed monies, and state/local partnerships—to make their businesses more productive and competitive—ultimately making more jobs for our constituents. Members of the House and Senate, from both sides of the aisle, have realized that cutting funding of the MEP programs last year was not smart considering our still-struggling manufacturing sector. I am pleased to hear that there are plans to reinstate the MEP with full funding; however, it seems that the Administration is trying to lock us in to the inappropriately low funding-levels.

The U.S. Department of Commerce CFO sent a letter to Chairman JUDD GREGG of the Senate Appropriations Committee in May of this year, explaining that the Administration plans to force all MEP centers—regardless of how well they are performing—to re-compete for funding to make it easier to scale back the number of MEP centers. However, MEP grants are already awarded on a highly-competitive basis, and ongoing funding is already subject to continual review.

Currently, P.L. 100-418 (passed on August 23, 1988) requires each Center to be evaluated during the third and sixth years and every two years thereafter by a panel of experts. Moreover, Section 290.8 (Reviews of Centers), Part 290, Title 15 of the Code of Federal Regulations mandates the conduct of periodic year reviews of Centers by a Merit Review Panel.

NIST has established specific guidelines, "The MEP Periodic Panel Reviews: Purpose and Overview." The purpose of this NIST review is to: 1) Ensure Program Accountability, 2) Promote Continuous Improvement; and 3) Contribute to Intra-MEP System Knowledge Sharing. The guidelines go as far to state, "The results of the review process should provide NIST MEP with information needed to help with the decision as to whether to continue Federal funding for the reviewed Center." In the case of a negative review, there may be another Follow-up Review that would be in addition to any regularly scheduled Panel or Annual Review.

Given the rigor of the current review process, I'm not certain what this section is trying to fix. This Committee has held no hearings

on the MEP Center review process, nor has any Member brought this issue up with the administration representatives during any hearings we have had. I would note that as recently as our budget hearing which included Phil Bond, Undersecretary for Technology, who has responsibility for MEP, not one Member questioned Undersecretary Bond about the MEP review process or perceived problems with it.

Re-competition fixes a problem that doesn't exist. It seems that it is simply enabling the long-term goal of the Administration to scale back this program, and ultimately to zero-it-out. When our economy is struggling to get back on track, and so many American workers remain either unemployed or underemployed, this is the wrong time to cut a program so valuable for stimulating productivity in our small businesses and industries.

The Department of Commerce's recent suggestion that all centers throughout the country face re-competition will destroy an effective national infrastructure that has taken 14 years to build and will reduce services to manufacturers.

Officials from the MEP center in Texas have explained that having to re-compete will cause them to halt services for 45–60 days so that their small over-burdened staff can evaluate needs and complete applications. If we start to tinker with this successful program, manufacturers and MEP Centers will be reluctant to initiate projects for fear that Centers may not exist to complete projects. This break in productivity will waste taxpayer dollars and serve no one.

MEP is widely recognized for its effectiveness and efficiency. It has been recognized by the National Academy of Public Administration, was a finalist for Harvard University's Innovations in American Government award, and fared well in OMB's PART analysis.

The people of Texas have seen the benefits of the MEP program. Just one example is Garrett Metal Detectors of Garland, Texas, manufacturers of security and hobby metal detectors. There was tremendous demand for metal detectors after the 9/11 attacks, but their small business couldn't compete in the world market. So, they came to the Texas Manufacturing Assistance Center (TMAC). Following a tour of Garrett's manufacturing facilities, TMAC identified major improvement strategies for the Company's production assembly. The Garrett/TMAC team significantly improved product flow and implemented Lean Manufacturing techniques. Overall production increased 35% between 2001 and 2003, as they reduced required floor space by 33%. This extra efficiency enabled them to become a leader in the field and to increase their work force by one-third. And we are all safer for it—all for a very small initial federal investment of less than \$17,000.

In the Science Committee mark-up, I offered an amendment that would have blocked the use of appropriated funds for a general recompetition of MEP Centers. It seemed that Chairman BOEHLERT agreed with the sentiment, but he modified my amendment by blocking re-competition as long as funding is at least \$106 million. He argued that appropriators are planning on funding MEP at \$106 million, implying that his amendment would thus prevent a wasteful and unnecessary recompetition for 2005. However, if across-the-board cuts are applied again this year as predicted—even if only 0.1 or 0.2%—funding

will fall below \$106 million and could trigger a re-competition that no one in Congress seems to be arguing for. Besides, putting in any re-competition cut-off line, or trigger, is a mistake. When funding is low, it makes even less sense to waste money and resources on re-competition.

Most of our MEP centers are performing admirably, making small businesses more competitive and creating jobs, with small federal investments. Those that are not are already subject to review and de-funding. Let's not waste taxpayer dollars hampering this important program. I hope you will support this amendment.

□ 1430

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment was defeated in committee because, quite frankly, it is not a particularly good idea.

This amendment sounds great on the surface. It says let us not let the administration have a competition in which all of the MEP centers compete against each other to see who stays in business. Such a general competition sounds like a hostile act which should be prevented. If there is enough money to fund all of the centers, as we hope there will be, then a recompetition would be a hostile act. But what if Congress fails to appropriate sufficient funding for all of the centers. How is any administration supposed to decide which centers should continue?

It makes no sense at all to prevent a recompetition if there is not enough money for all of the centers to function effectively.

If the gentlewoman's amendment passed and funding became low, the administration would simply have to reduce funding to any center which would prevent all of them from doing their jobs well. That simply makes no sense.

In committee, we thought what the gentlewoman from Texas (Ms. JACKSON-LEE) might be trying to do was to prevent successful centers from being closed even when funding was adequate, so we added language to the bill that says the administration cannot re-compete the centers if funding is at or above \$106 million, what everyone considers the minimum necessary to keep all of the existing centers operating well, and the level that the House approved in the Commerce appropriation bill within the past 24 hours. So they have the message. We sent it, they received it. They acted favorably on it.

So this bill already protects the centers from any hostile recompetition if funding is sufficient to fund all of them. The bill will prevent any spurious efforts to close centers, so I am truly baffled about what the gentlewoman is trying to accomplish here.

The way to avoid a recompetition is to provide full funding which this bill authorizes. But if we fail to provide the promised funding, all this amendment

would do is force all of the centers to function less efficiently because none would have enough money to do their job. This amendment creates problems without solving any. I urge its defeat.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. SIMPSON). The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) will be postponed.

It is now in order to consider amendment No. 2 printed in House Report 108-589.

AMENDMENT NO. 2 OFFERED BY MR. LARSON OF CONNECTICUT

Mr. LARSON of Connecticut. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. LARSON of Connecticut:

In section 2(a)(1), strike "Commerce for Technology" and insert "Commerce for Manufacturing and Technology".

Redesignate section 8 as section 9.

After section 7, insert the following new section:

SEC. 8. MANUFACTURING AND TECHNOLOGY ADMINISTRATION.

Section 5 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3704) is amended to read as follows:

"SEC. 5. MANUFACTURING AND TECHNOLOGY ADMINISTRATION.

"(a) ESTABLISHMENT.—There is established in the Department of Commerce a Manufacturing and Technology Administration, which shall operate in accordance with the provisions, findings, and purposes of this Act. The Manufacturing and Technology Administration shall include—

"(1) the National Institute of Standards and Technology;

"(2) the National Technical Information Service; and

"(3) a policy analysis office, which shall be known as the Office of Manufacturing and Technology Policy.

"(b) UNDER SECRETARY AND ASSISTANT SECRETARIES.—The President shall appoint, by and with the advice and consent of the Senate, to the extent provided for in appropriations Acts—

"(1) an Under Secretary of Commerce for Manufacturing and Technology, who shall be compensated at the rate provided for level III of the Executive Schedule in section 5314 of title 5, United States Code;

"(2) an Assistant Secretary of Manufacturing who shall serve as a policy analyst for the Under Secretary; and

"(3) an Assistant Secretary of Technology who shall serve as a policy analyst for the Under Secretary.

"(c) DUTIES.—The Secretary, through the Under Secretary, as appropriate, shall—

"(1) manage the Manufacturing and Technology Administration and supervise its agencies, programs, and activities;

"(2) conduct manufacturing and technology policy analyses to improve United

States industrial productivity, manufacturing capabilities, and innovation, and cooperate with United States industry to improve its productivity, manufacturing capabilities, and ability to compete successfully in an international marketplace;

"(3) identify manufacturing and technological needs, problems, and opportunities within and across industrial sectors, that, if addressed, could make significant contributions to the economy of the United States;

"(4) assess whether the capital, technical, and other resources being allocated to domestic industrial sectors which are likely to generate new technologies are adequate to meet private and social demands for goods and services and to promote productivity and economic growth;

"(5) propose and support studies and policy experiments, in cooperation with other Federal agencies, to determine the effectiveness of measures for improving United States manufacturing capabilities and productivity;

"(6) provide that cooperative efforts to stimulate industrial competitiveness and innovation be undertaken between the Under Secretary and other officials in the Department of Commerce responsible for such areas as trade and economic assistance;

"(7) encourage and assist the creation of centers and other joint initiatives by State or local governments, regional organizations, private businesses, institutions of higher education, nonprofit organizations, or Federal laboratories to encourage technology transfer, to encourage innovation, and to promote an appropriate climate for investment in technology-related industries;

"(8) propose and encourage cooperative research involving appropriate Federal entities, State or local governments, regional organizations, colleges or universities, nonprofit organizations, or private industry to promote the common use of resources, to improve training programs and curricula, to stimulate interest in manufacturing and technology careers, and to encourage the effective dissemination of manufacturing and technology skills within the wider community;

"(9) serve as a focal point for discussions among United States companies on topics of interest to industry and labor, including discussions regarding manufacturing, competitiveness, and emerging technologies;

"(10) consider government measures with the potential of advancing United States technological innovation and exploiting innovations of foreign origin and publish the results of studies and policy experiments; and

"(11) assist in the implementation of the Metric Conversion Act of 1975 (15 U.S.C. 205a et seq.)."

The CHAIRMAN pro tempore. Pursuant to House Resolution 706, the gentleman from Connecticut (Mr. LARSON) and the gentleman from Michigan (Mr. EHLERS) each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Chairman, I yield myself such time as I may consume.

(Mr. LARSON of Connecticut asked and was given permission to revise and extend his remarks.)

Mr. LARSON of Connecticut. Mr. Chairman, I would like to join in thanking both the ranking member and the distinguished chairs for the hard work which has been put forward on this bill. I just think we need an administration worthy of their ideas.

As we look at this particular bill, I want to go into the genesis of this

thought. As the gentleman from Tennessee (Mr. GORDON) has pointed out in his opening remarks, the gentleman from Michigan (Mr. EHLERS) initially included this in his approach to the administration. It is strongly needed.

At a Chamber of Commerce meeting in my district between the communities of Bristol, Berlin and Southington, they talked at great length. In fact, if I closed my eyes, I was astonished, it seemed like I was at an AFL-CIO meeting, and yet they were talking about the concerns that small manufacturers have today and the need to have a strong voice within the Department of Commerce.

They wondered out loud how is it in this great country of ours we can have a Department of Agriculture and not have a department of manufacturing, and not have at least an under secretary who is going to speak out on their behalf. Candidly, they would say to me after the meeting, when we first saw labor being outsourced, when we first saw what was happening to labor, we kind of looked the other way, never thinking we would be next. Now we know it is happening to us, and now we need to have a strong voice in Congress and the administration.

The gentleman from Arizona (Mr. FLAKE) said before he hoped what we could achieve is something in the area of benign neglect. Would it be it was just benign neglect. What we have in this case is outright negligence on the part of Congress by not dealing with these issues; and if I dare say, plain indifference on the part of this administration to the problems that individuals are facing.

It is because of that indifference, indifference to the labor force, indifference to the small manufacturers, indifference to the working people and the hard work which has been put forth on behalf of these individuals and the loss of jobs in this country that we put forward this amendment.

This amendment simply states very clearly to create an under secretary within the Department of Commerce so we can refocus once begin the great energies and harness the great engine of industry here in this country. In doing so, we did so within existing resources. We did so knowing that we did not want to have another assistant to the assistant to the assistant and mix that with service sector industries. We wanted what the manufacturers wanted, an under secretary who would focus on the area of technology.

Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I believe there is a real need for a manufacturing czar. The administration has said it much, but one would never know it from the underlying bill. They have created a position not of real authority and substance, but rather a marginal position in the trade agency, and this administration has shown its hand by doing this.

The National Coalition For Advanced Manufacturing has said this position should focus solely on manufacturing. It should be an under secretary position within the Department of Commerce. Instead, the administration has named an assistant secretary for manufacturing and services within the International Trade Administration, an agency that does not have the range of expertise to address the issues before our manufacturers. As if to prove they are not serious about this position, the administration proposes no funding to support it.

Mr. Chairman, what we should be doing is creating a manufacturing and technology administration that provides a comprehensive approach, and sends a signal that Congress takes this crisis seriously.

Mr. Chairman, 8.2 million workers are unemployed in this country right now. They face rising health care costs, rising college tuition, and rising gas prices. What could possibly be more important than revitalizing one of the backbones of our economy? Nothing, Mr. Chairman. Support the Larson amendments.

Mr. LARSON of Connecticut. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would just close by saying that this accounts for more than 17 percent of our Nation's GDP, it provides for 71 percent of our exports, and funds 67 percent of our Nation's R&D investments. That is what we are talking about when we are addressing this issue of manufacturing. Roosevelt said it best about this administration, "They are frozen in the ice of their own indifference," indifference towards working people and indifference towards the small manufacturers of this country.

Mr. EHLERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am afraid I have not provided a built-in cheering and applause section, but I believe my ideas are probably worth more applause.

What the gentleman proposes is not a bad idea. I had proposed this myself some time ago, and not only in this department but also in the Energy Department I have worked on a similar proposal. The administration at the same time has advanced a proposal to reduce the number of under secretaries and does not support the development of new under secretaries.

But what the administration did in response to our request to create this under secretary for manufacturing in the Department of Commerce, the administration heeded these calls and it created a new assistant secretary for manufacturing and took other steps to create a focus on manufacturing in the department, such as creating a manufacturers' council which met just 2 weeks ago. They had their initial meeting. I was present at that meeting, and I was impressed with the quality of the appointees, and I am delighted that the President and the administration took these steps.

So I think it is really time to declare victory and go home on this issue because we basically got what we asked for. If instead the Larson amendment were adopted at this point, and if it passed through the Senate and were signed into law, it would force the administration to reorganize yet again. I think that would be counterproductive at that point. I am quite willing to live with the assistant secretary for a time and make sure it works out. If it does not work out, in a few years, we will resurrect the under secretary proposal.

In addition, I object to the reorganization the gentleman from Connecticut (Mr. LARSON) has proposed. I do not think it is the best way to proceed because it would add to the bureaucracy that sits on top of NIST, the National Institute of Standards and Technology, when in fact, our goal should be to get NIST out from under the burden of overmanagement. We would like it to have as much of its own funding as possible, as much latitude as possible, and control its own destiny through its own management structure. So I certainly object to that provision in the Larson amendment regardless of the rest of it.

I could go on regarding several other points, but I know there are many people anxious to have this debate ended soon and have the opportunity to go home and be with their families for the weekend. Let me close by saying I urge the defeat of this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Connecticut (Mr. LARSON).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. EHLERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Connecticut (Mr. LARSON) will be postponed.

It is now in order to consider amendment No. 3 printed in House Report 108-589.

AMENDMENT NO. 3 OFFERED BY MR. PETERSON OF PENNSYLVANIA

Mr. PETERSON of Pennsylvania. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No 3 offered by Mr. PETERSON of Pennsylvania:

Page 10, line 21, strike "subsection" and insert "subsections".

Page 12, after line 17, insert the following:

"(f) AUDITS.—A center that receives assistance under this section shall submit annual audits to the Secretary in accordance with Office of Management and Budget Circular A-133 and shall make such audits available to the public on request."

The CHAIRMAN pro tempore. Pursuant to House Resolution 706, the gentleman from Pennsylvania (Mr. PETERSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to first thank the members of this committee, the gentleman from New York (Chairman BOEHLERT), the gentleman from Michigan (Mr. EHLERS), and the ranking member, the gentleman from Tennessee (Mr. GORDON) for their good work at not only reauthorizing this program, but strengthening this program. I think it is vital at this time that we do that; but I think also if programs are going to serve us well, it is important that they are accountable, that they are accountable to the public they serve.

Currently in law, they have to have audited budgets that go back to the State and Federal agency that fund them. But I have had the unfortunate situation of having one of these agencies who, when members of the community or the press asked for a copy of their audited budget, they were told that they were a 501(c)(3) not for profit and they were private. This was private business.

Mr. Chairman, when programs are funded with Federal dollars, with State tax dollars, they are public programs. In my view, accountability can be obtained from Federal and State oversight, but real accountability comes when the people they service and press and interested citizens locally have the ability to look and evaluate their records.

My amendment simply says, it clarifies and ensures these audits are available to OMB, but they are also available to the public and press upon request. I think that is important in making sure that these programs are efficient, that they are well-run, and they are on the right priorities, that they are serving the right part of the manufacturing community, and that our other economic development agencies have the ability to work closely with them and ensure that we get the biggest bang for the buck.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. PETERSON of Pennsylvania. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I wanted to thank the gentleman from Pennsylvania (Mr. PETERSON) for working with us on this amendment. The amendment very sensibly codifies existing procedures to ensure just what the gentleman wants to do. Taxpayer money is not wasted. We accept the amendment.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I thank the gentleman very much and congratulate him for his good work.

Mr. GORDON. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I do not oppose this amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GORDON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in the spirit of bipartisanship, I want to accept this modest amendment to a modest bill that makes a modest improvement.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PETERSON).

The amendment was agreed to.

□ 1445

The CHAIRMAN pro tempore (Mr. SIMPSON). It is now in order to consider amendment No. 4 printed in House Report 108-589.

AMENDMENT NO. 4 OFFERED BY MR. GORDON

Mr. GORDON. Mr. Chairman, I offer an amendment.

The Chairman pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. GORDON:
Redesignate section 8 as section 9.

After section 7, insert the following new section:

SEC. 8. MANUFACTURING EXTENSION CENTERS.

(a) MANUFACTURING TECHNOLOGY CENTER COST SHARING.—Section 25(c)(5) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(c)(5)) is amended by inserting “, except that for each of fiscal years 2005 through 2008 such funding may be as much as a one half of such costs” after “Center under the program”.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce, or other appropriate Federal agencies, for the Manufacturing Extension Partnership program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l)—

(1) \$120,600,000 for fiscal year 2005, of which not more than \$4,000,000 shall be for the competitive grant program under section 25(e) of such Act (15 U.S.C. 278k(e));

(2) \$132,400,000 for fiscal year 2006, of which not more than \$4,100,000 shall be for the competitive grant program under section 25(e) of such Act (15 U.S.C. 278k(e));

(3) \$145,300,000 for fiscal year 2007, of which not more than \$4,200,000 shall be for the competitive grant program under section 25(e) of such Act (15 U.S.C. 278k(e)); and

(4) \$159,500,000 for fiscal year 2008, of which not more than \$4,300,000 shall be for the competitive grant program under section 25(e) of such Act (15 U.S.C. 278k(e)).

In any fiscal year for which appropriations are \$106,000,000 or greater, none of the funds appropriated pursuant to this subsection shall be used for a general recompetition of Centers established under section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k).

The CHAIRMAN pro tempore. Pursuant to House Resolution 706, the gentleman from Tennessee (Mr. GORDON) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. GORDON).

Mr. GORDON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a very straightforward amendment. My amendment

increases funding for the Manufacturing Extension Partnership program by 10 percent a year, starting in fiscal year 2005, continuing through fiscal year 2008. In addition, it provides the administration with greater flexibility in determining the Federal cost-share of the MEP centers.

This is a much-needed amendment. Last year through the combined actions of the administration and this Congress, MEP was essentially gutted with a two-thirds funding cut. While I am pleased that the Commerce appropriations bill passed on the floor yesterday provided MEP with \$106 million, we can and should do better for MEP both this year and the future.

From 2000 to 2003, the MEP was held level at about \$105 million. These numbers are down from the \$127 million in fiscal year 1999. Over this period there has been no adjustment for inflation during a time when, in the face of fierce international competition, small manufacturers are closing at a record pace across our country.

Study after study has shown that small manufacturers are underserved by MEP. There just is not enough funding for MEP to reach out to help all the small manufacturers who need their assistance. My amendment would correct this situation.

I would also like to point out that H.R. 3598 as introduced by the gentleman from Michigan (Mr. EHLERS) late last year contained significantly more funding for MEP, \$60 million more than what is on the floor today. I think the gentleman from Michigan (Mr. EHLERS) got it right the first time before he began negotiating with the administration and moved backwards.

My amendment also allows for flexibility in the Federal cost-sharing for MEP. Currently the Federal cost-share can be no more than one third of the center's total cost. This amendment would allow the Federal cost-share to be up to one half of the center's total cost. The size of the cost-share will be determined by the administration. The National Association of Public Administrators at the administration's request recently completed a 2-year study of the MEP. One of the recommendations was to allow more flexibility in the Federal cost-sharing. My amendment does just that.

The Modernization Forum, the umbrella group representing MEP centers, has said that my amendment would benefit the MEP centers. However, they are under the impression that the acceptance of this amendment would jeopardize passage of the bill.

Do we really believe the President would veto this bill because of a provision which simply endorses a small increase in MEP funding? I would remind my colleagues that this House frequently adopts bills or amendments that the White House opposes. That is why we have separation of powers in our Constitution, so that we can reach judgments independent of those mandated by the White House. Just yesterday the House passed the Manzullo

amendment, allocating more needed funding for the Small Business Administration by a margin of 281 to 137. And I remind the Members that the gentleman from New York (Mr. BOEHLERT) and 13 of the 24 House Committee on Science Republicans voted "yes." The majority of the House which supported the Manzullo amendment did not seem to be concerned about endangering the passage of the bill.

The argument that my amendment would doom this bill is a red herring. The real reason that the majority opposes this amendment is pretty obvious. The administration is unwilling to admit that it has systematically tried to ruin the MEP program, and it refuses to support realistic levels of funding that the MEP needs to support our Nation's small manufacturers.

I am asking the Members today to do the right thing and vote "yes" on an amendment that sends a strong signal that this treatment must stop and that puts the MEP on the right track.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHLERT. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from New York (Mr. BOEHLERT) is recognized for 10 minutes.

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to the amendment offered by the gentleman from Tennessee (Mr. GORDON), my good friend. I would say that, in an ideal world, this would be a good amendment. I would define an ideal world as one in which money was unlimited. In short, it is a world very different from the one in which we live.

This amendment would add \$88 million in additional spending to the bill. That is just not realistic in this budget environment. And quite rightly, the administration is not going to support a bill that adds that much more money. So what this amendment would do is kill the bill. If we truly want to help manufacturers, we need to defeat this amendment. And let me emphasize once again that this bill already contains a significant increase for the MEP program, an increase of more than 200 percent from current levels. So this is hardly a parsimonious bill. The additional money the gentleman from Tennessee (Mr. GORDON) is proposing would be nice, but it is not critical to the success of the MEP program. The money that is already in the bill is critical, a 200 percent increase; and we should be doing what we can to ensure that this bill becomes law.

In addition to adding money, the gentleman from Tennessee's (Mr. GORDON) amendment would increase the Federal share of the MEP centers' budgets. I know that the MEP centers have not had the best year, but I do not think that increasing the share from the Federal Government is necessarily a good idea. Let me remind my colleagues

that the original version of the MEP centers was that they would not receive any money after their 6th year.

The current MEP formula involves a true partnership between the Federal Government, the States, and the MEP's clients. That is a good partnership that ensures that MEPs are truly providing valiant services. I do not think we should tinker with a successful formula.

So I urge defeat of this amendment. The base bill already provides the money the MEP centers need most through a formula that ensures that the centers will continue to be responsive to their States and, most importantly, to the customers that they are trying to help. This amendment would sink the bill, a pretty high price to pay for an amendment that does not provide anything that is necessary and that tinkers with a recipe that has led to MEP's success, and I urge its defeat.

Mr. Chairman, I reserve the balance of my time.

Mr. GORDON. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in strong support of the Gordon amendment that would increase funding for the Manufacturing Extension Partnership program.

The MEP program has successfully helped small manufacturers to modernize and stay competitive in the global marketplace. I do not believe that the administration would veto a whole bill based upon the fine amendment of the gentleman from Tennessee (Mr. GORDON).

For example, I know that MEP has directly helped a number of companies in my district including Jacquart Fabric Products with 100 workers in Ironwood and Horner Flooring Company, which employs 100 people in Dollar Bay, Michigan.

At a time when millions of manufacturing jobs are being lost, we need to fully fund the Manufacturing Extension Partnership, not continually undercutting this valuable program which the administration insists on doing every year.

The program is currently authorized at \$106 million, but the President only asked for a mere \$39 million in fiscal year 2005. \$39 million for MEP will cost the U.S. tens of thousands more manufacturing jobs. This is not what we need in this country.

These programs help small manufacturers with everything from plant modernization to employee training. Also, if the majority is really serious about helping manufacturers, it would fund MEP in this bill at the necessary authorization level instead of flat-funding it.

The gentleman from Tennessee's (Mr. GORDON) amendment, however, recognizes the need for additional resources and calls for \$129 million in fiscal year 2005 followed by a 10 percent yearly in-

crease through fiscal 2008. This is not a time to shortchange American manufacturers when they need it most. Support the Gordon amendment.

Mr. BOEHLERT. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Chairman, I must rise in opposition to the amendment being offered by the gentleman from Tennessee.

There are two reasons. First of all, it increases the MEP authorization by a considerable amount above the levels that are likely to succeed in the House and the Senate and through the administration; and we simply cannot, given the budget situation this year, increase the level that much and have any expectation that the appropriations will match that.

Furthermore, the second reason is that the Gordon amendment will increase the Federal share of money for the centers; and given the shortage of money that we have this year, we want to maximize the use of the funds that we do have available and certainly do not want to add to the Federal burden, particularly because there might be some danger that the States will simply say, well, if the Federal Government has more money to give, we are going to reduce our share because, as we know, every State of this Union is facing severe financial difficulties. We certainly do not want to try to change the formula, first of all, because we do not have the money to do it and pay more and, secondly, because of the fear that the States may use this as an opportunity to reduce their share.

So I oppose the Gordon amendment; and perhaps when better times come and we have a better budget situation, it will be entirely appropriate to increase the authorization levels and also the funding levels, and it would be my dream that that happens. But it is not going to happen this year or next fiscal year, and I doubt very much it will happen during the lifetime of this authorization.

So I urge the defeat of the Gordon amendment, and I urge all my colleagues to support our efforts to defeat it.

Mr. GORDON. Mr. Chairman, I yield 1½ minutes to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Chairman, I thank the gentleman for yielding me this time for this opportunity on this phenomenal amendment.

I come from the great State of Ohio that has been getting blistered as far as losing manufacturing jobs, and I think this amendment should not be 10 percent. This amendment should be 100 percent. This bill should be doubled and tripled. These are investments that we need to make in this country. We need to invest in the manufacturing sector of this country. And I think we have done a real disservice over the past few years in this Chamber with the political rhetoric that makes it

sound like the government does not do anything well, that government investment does not work, and that the government needs to get out and let the free market work.

But when we look at the history of this country, when we look at Eli Whitney, when we look at Samuel Morris, when we look at RCA, and when we look at the Wright Brothers, all of these began with the Federal Government stepping in and making an investment. We are good at this. We are good at this. And we need to keep going.

And we are not playing in a free market. When we have to compete with China with no labor laws, no environmental laws, no human rights, how can we compete? China is doing programs like this. Taiwan is doing programs like this. Japan, Europe. The United States is trying to establish a rules-based system, and every other country is playing to win, and it is time the United States Government plays to win.

And I am sick and tired of hearing how we do not have any money in this Congress. We do not have money because we are giving billions away in tax cuts and we are losing the manufacturing war, and we need to start making these investments.

Mr. BOEHLERT. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman from New York (Mr. BOEHLERT) for sitting in the chair, and I also want to thank the gentleman from Michigan for being so involved in this whole process.

Mr. Chairman, as a strong supporter of MEP, I have come to the floor to urge a vote against this amendment. I am for MEP, but I am against this amendment.

Let me tell the Members why. I am against it because funding MEP at \$106 million, which is the level of funding the program has provided in H.R. 4754, the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act for fiscal year 2005, is exactly what we want. Just yesterday the House of the Representatives passed the CJS by an overwhelming margin, 397 to 18. The \$106 million level is the point at which all MEP centers will continue to provide their valuable service to our Nation's manufacturers.

Additionally, the bill before us today already authorizes significantly increased funding for the MEP program. In fact, the legislation already increases MEP funding by more than 200 percent compared to the current fiscal year 2004 level.

□ 1500

Furthermore, the amendment offered by the gentleman from Tennessee (Mr. GORDON) would allow the Federal-State-private network match to increase from one-third to one-half. An

increase to a one-half match would jeopardize the MEP network and increase its vulnerability.

The one-third match has been in place for many years, and centers have long known that they cannot rely exclusively on Federal funds. This one-third match from the Federal Government, State governments and the private sector, is critical to maintaining the balanced program well into future.

Mr. Chairman, I oppose the Gordon amendment, and urge my colleagues to vote no.

In closing, let me again commend the gentleman from Michigan (Mr. EHLERS) for his leadership in bringing this to the floor. He has been an outstanding champion on this bill and a great example.

I urge a no vote on the Gordon amendment.

Mr. GORDON. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member for yielding me time.

Mr. Chairman, I have listened to my friends on the other side of the aisle, including the chairman, and they seem to be confused, particularly when they speak in opposition to amendments offered by Democrats that, by and large and overall, do nothing but strengthen the MEPs and make them stronger.

Just a few minutes ago, we, in a collegial and respectful manner, accepted the amendment of the gentleman from Pennsylvania (Mr. PETERSON) because that too would strengthen MEPs.

Let us put the facts on the table. The Gordon amendment is necessary. It keeps the MEPs, the Manufacturing Extension Partnership centers, from closing across the Nation, frankly.

Do you know that what is done by the administration is that the 200 percent increase is on \$39 million? My friends who are on the floor talking about how great the MEPs are, when you vote against the Gordon amendment, if you do that, you are voting to close that. If you vote against the Larson Amendment or the Jackson-Lee amendment, you are voting to close these things down.

Is it not interesting that we would suggest that the amendment that I offered did not make any sense? Well, I tell you, if we cut the NIH by \$1 million next year, would it make any sense for us to recompute every medical research lab in the country? No, it would not.

The amendment offered by the gentleman from Tennessee (Mr. GORDON) gives full funding where it should be. He acknowledges the fact in a reasonable and responsible manner that we need to increase by a modest \$5 million per year for FY 2006 and 2008, and this is an improvement on the Bush administration's effort to kill the program. But, of course, we can do better, and he goes on to provide extra incentives for this program.

I simply ask my colleagues to support the Gordon amendment and all

the Democratic amendments, because that means you are for keeping the MEP centers and building manufacturing jobs.

Mr. BOEHLERT. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, the issue here is not about the manufacturing extension program, the issue is about the dollars. When we talk about the issue of dollars, we talk about the practicality of the limited resources in the Federal Government that are distributed over a wide range of areas.

All of us collectively agree that the Manufacturing Extension Program is fundamental, it is good, so our argument is, let us make sure that we get this bill passed. It is \$470 million over 4 years, a 200 percent increase.

It will increase the ability for production, for efficiency in energy costs, for marketing strategies, for new technologies. It will dramatically increase the base of the manufacturing sector in this country by pulling together the collective ingenuity of partnerships from the Federal Government, one is one-third, the State government, which is one-third, and fees, which is one-third.

So I urge my colleagues, let us vote to ensure that we have a program that is reality, and not have a program in hopes of having a program, but in fact does not actually pass.

So I reluctantly urge my colleagues to vote against the Democratic amendments and vote for the base bill.

Mr. GORDON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in closing, let me just say without a doubt my friend, the gentleman from Michigan (Chairman EHLERS) and the gentleman from New York (Chairman BOEHLERT) support the MEP program. They have been champions for the MEP program. Probably we would not have the program right now if it had not been for their help and leadership, so I do clearly acknowledge that.

But it is simply not a credible argument to say that they must oppose this amendment because this \$60 million increase, which is pretty much in line with what the gentleman from Michigan (Mr. EHLERS) originally proposed, would bring down this bill because the administration thinks it is too much, when yesterday they both, as well as many other Members sitting here in the Chamber, Republican Members, voted for almost a \$80 million increase, against the administration's wishes, in a much-needed Small Business Administration program. So it is just not a credible argument.

We most all agree that the MEP is a good program. Let us try to fund it at least in a way that it can be efficient. As we mentioned earlier, for every \$1 that the Federal Government puts in,

it is matched by \$1 more from the State and \$1 additional from the private sector. That is good leverage, that is good business, and it is also a vote for the American worker.

Mr. Chairman, I yield back the balance of my time.

Mr. BOEHLERT. Mr. Chairman, I yield 15 seconds to the distinguished gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I simply wanted to thank my colleague the gentleman from Michigan (Mr. KNOLLENBERG) for coming to the floor to indicate his support for this bill, and especially to thank him for his hard work on the Committee on Appropriations in getting the \$106 million funding for this year.

I also want to join in thanking the staff, Eric Webster, Olwen Huxley and David Goldston, who have worked so hard on this bill, as well as my staff member, Cameron Wilson. They have done yeoman work, and I deeply appreciate it.

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in closing, just let me say that this bill will prevent centers from closing. This bill will prevent centers from closing, without any amendments. I urge defeat of the Gordon amendment.

Mr. Chairman, I yield back the balance of my time.

THE CHAIRMAN pro tempore (Mr. SIMPSON). The question is on the amendment offered by the gentleman from Tennessee (Mr. GORDON).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. GORDON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, this vote on Amendment No. 4 by Mr. GORDON will be followed by 5 minute votes on amendments on which further proceedings were postponed in the following order: Amendment No. 1 by Ms. JACKSON-LEE of Texas, Amendment No. 2 by Mr. LARSON of Connecticut.

The vote was taken by electronic device, and there were—ayes 170, noes 192, not voting 71, as follows:

[Roll No. 355]

AYES—170

| | | |
|----------------|-------------|-------------|
| Abercrombie | Burr | Davis (AL) |
| Alexander | Capps | Davis (CA) |
| Allen | Capuano | Davis (FL) |
| Andrews | Cardin | Davis (IL) |
| Baca | Cardoza | Davis (TN) |
| Baird | Carson (OK) | DeFazio |
| Baldwin | Chandler | DeGette |
| Berman | Clay | DeLauro |
| Berry | Clyburn | Dingell |
| Bishop (GA) | Conyers | Doggett |
| Boswell | Cooper | Dooley (CA) |
| Boucher | Costello | Doyle |
| Brady (PA) | Cramer | Edwards |
| Brown (OH) | Crowley | Engel |
| Brown, Corrine | Cummings | Eshoo |

| | | |
|----------------|----------------|------------------|
| Etheridge | Lucas (KY) | Rush |
| Evans | Lynch | Ryan (OH) |
| Farr | Maloney | Sabo |
| Filner | Markey | Sánchez, Linda |
| Ford | Marshall | T. |
| Frank (MA) | Matheson | Sanchez, Loretta |
| Frost | Matsui | Sanders |
| Gonzalez | McCarthy (MO) | Schakowsky |
| Goode | McCarthy (NY) | Schiff |
| Gordon | McCollum | Scott (GA) |
| Green (WI) | McDermott | Scott (VA) |
| Grijalva | McIntyre | Serrano |
| Gutierrez | Meehan | Sherman |
| Harman | Meek (FL) | Skelton |
| Herseeth | Menendez | Slaughter |
| Hill | Michaud | Smith (WA) |
| Hinojosa | Millender | Snyder |
| Holden | McDonald | Solis |
| Holt | Miller (NC) | Spratt |
| Honda | Miller, George | Stark |
| Hoolley (OR) | Mollohan | Stenholm |
| Hoyer | Moore | Strickland |
| Inslee | Moran (VA) | Stupak |
| Israel | Murtha | Tanner |
| Jackson (IL) | Nadler | Tauscher |
| Jackson-Lee | Napolitano | Taylor (MS) |
| (TX) | Neal (MA) | Thompson (CA) |
| Johnson, E. B. | Oberstar | Thompson (MS) |
| Kanjorski | Obey | Tierney |
| Kaptur | Oliver | Towns |
| Kennedy (RI) | Owens | Udall (CO) |
| Kildee | Pallone | Udall (NM) |
| Kind | Pascarell | Van Hollen |
| Kleczka | Peterson (MN) | Velázquez |
| Kucinich | Pomeroy | Visclosky |
| Lampson | Porter | Waters |
| Langevin | Price (NC) | Watson |
| Lantos | Rangel | Watt |
| Larsen (WA) | Rodriguez | Weiner |
| Larson (CT) | Ross | Woolsey |
| Levin | Rothman | Wu |
| Lewis (GA) | Roybal-Allard | Wynn |
| Lowey | Ruppersberger | |

NOES—192

| | | |
|-----------------|---------------|---------------|
| Aderholt | English | McCotter |
| Akin | Everett | McCrery |
| Bachus | Feeney | McHugh |
| Baker | Ferguson | McInnis |
| Ballenger | Flake | McKeon |
| Barrett (MD) | Foley | Miller (FL) |
| Bartlett (MD) | Forbes | Miller (MI) |
| Barton (TX) | Fossella | Miller, Gary |
| Bass | Frelinghuysen | Moran (KS) |
| Beauprez | Gallegly | Murphy |
| Bereuter | Garrett (NJ) | Musgrave |
| Biggett | Gibbons | Myrick |
| Bilirakis | Gilchrest | Nethercutt |
| Bishop (UT) | Gingrey | Neugebauer |
| Blackburn | Goodlatte | Ney |
| Blunt | Granger | Northup |
| Boehlert | Graves | Nunes |
| Boehner | Greenwood | Nussle |
| Bonilla | Hall | Osborne |
| Bonner | Harris | Ose |
| Bono | Hart | Otter |
| Boozman | Hastings (WA) | Oxley |
| Bradley (NH) | Hayes | Pearce |
| Brady (TX) | Hayworth | Pence |
| Brown (SC) | Hefley | Peterson (PA) |
| Brown-Waite, | Hensarling | Petri |
| Ginny | Herger | Pickering |
| Burgess | Hobson | Pombo |
| Burns | Hoekstra | Portman |
| Burton (IN) | Hostettler | Pryce (OH) |
| Buyer | Hulshof | Putnam |
| Cannon | Hyde | Radanovich |
| Cantor | Issa | Ramstad |
| Capito | Istook | Regula |
| Carter | Jenkins | Rehberg |
| Castle | Johnson (IL) | Renzi |
| Chabot | Johnson, Sam | Reynolds |
| Chocola | Jones (NC) | Rogers (AL) |
| Cole | Keller | Rogers (KY) |
| Cox | Kelly | Rogers (MI) |
| Crane | Kennedy (MN) | Rohrabacher |
| Crenshaw | King (IA) | Ros-Lehtinen |
| Cubin | King (NY) | Royce |
| Cunningham | Kingston | Ryan (WI) |
| Davis, Jo Ann | Kirk | Ryun (KS) |
| DeLay | Kline | Saxton |
| Diaz-Balart, L. | Knollenberg | Schrock |
| Diaz-Balart, M. | Kolbe | Sensenbrenner |
| Doolittle | Latham | Sessions |
| Dreier | Lewis (CA) | Shadegg |
| Duncan | Lewis (KY) | Shays |
| Dunn | LoBiondo | Sherwood |
| Ehlers | Lucas (OK) | Shimkus |
| Emerson | Manzullo | Shuster |

| | | |
|-------------|-------------|-------------|
| Simmons | Thomas | Weldon (PA) |
| Simpson | Thornberry | Weller |
| Smith (MI) | Tiahrt | Whitfield |
| Smith (NJ) | Tiberi | Wicker |
| Smith (TX) | Toomey | Wilson (NM) |
| Souder | Turner (OH) | Wilson (SC) |
| Stearns | Upton | Wolf |
| Sullivan | Vitter | Young (AK) |
| Sweeney | Walden (OR) | Young (FL) |
| Taylor (NC) | Walsh | |
| Terry | Weldon (FL) | |

NOT VOTING—71

| | | |
|-------------|---------------|-------------|
| Ackerman | Gerlach | McGovern |
| Becerra | Gillmor | McNulty |
| Bell | Goss | Meeks (NY) |
| Berkley | Green (TX) | Mica |
| Bishop (NY) | Gutknecht | Norwood |
| Blumenauer | Hastings (FL) | Ortiz |
| Boyd | Hinchey | Pastor |
| Calvert | Hoefel | Paul |
| Camp | Houghton | Payne |
| Carson (IN) | Hunter | Pelosi |
| Case | Isakson | Pitts |
| Coble | Jefferson | Platts |
| Collins | John | Quinn |
| Culberson | Johnson (CT) | Rahall |
| Davis, Tom | Jones (OH) | Reyes |
| Deal (GA) | Kilpatrick | Sandlin |
| Delahunt | LaHood | Shaw |
| DeMint | LaTourette | Tancred |
| Deutsch | Leach | Tauzin |
| Dicks | Lee | Turner (TX) |
| Emanuel | Linder | Wamp |
| Fattah | Lipinski | Waxman |
| Franks (AZ) | Lofgren | Wexler |
| Gephardt | Majette | |

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SIMPSON) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1530

Messrs. TURNER of Ohio, TIAHRT and NETHERCUTT changed their vote from “aye” to “no.”

Messrs. HONDA and DEFAZIO changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. PASTOR. Mr. Chairman, on roll-call No. 355, had I been present, I would have voted “aye.”

AMENDMENT NO. 1 OFFERED BY MS. JACKSON-LEE OF TEXAS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 166, noes 197, not voting 70, as follows:

[Roll No. 356]

AYES—166

| | | |
|-------------|---------|-------------|
| Abercrombie | Baca | Bishop (GA) |
| Alexander | Baird | Boswell |
| Allen | Baldwin | Boucher |
| Andrews | Berry | Brady (PA) |

| | | | | | | | | |
|----------------|----------------|------------------|---------------|---------------|-------------|--------------|----------------|------------------|
| Brown (OH) | Israel | Pastor | Oxley | Royce | Taylor (NC) | Capps | Jefferson | Price (NC) |
| Brown, Corrine | Jackson (IL) | Pomeroy | Pearce | Ryan (WI) | Terry | Capuano | Johnson, E. B. | Rangel |
| Capps | Jackson-Lee | Porter | Pence | Ryun (KS) | Thomas | Cardin | Kanjorski | Rodriguez |
| Capuano | (TX) | Price (NC) | Peterson (MN) | Saxton | Thornberry | Carson (OK) | Kaptur | Ross |
| Cardin | Jefferson | Rangel | Peterson (PA) | Schrock | Tiahrt | Chandler | Kennedy (RI) | Roybal-Allard |
| Cardoza | Johnson, E. B. | Rodriguez | Petri | Sensenbrenner | Tiberi | Clay | Kildee | Ruppersberger |
| Carson (OK) | Kanjorski | Ross | Pickering | Sessions | Toomey | Clyburn | Kind | Rush |
| Chandler | Kaptur | Rothman | Pombo | Shadegg | Turner (OH) | Conyers | Klecicka | Ryan (OH) |
| Clay | Kennedy (RI) | Roybal-Allard | Portman | Shays | Upton | Cooper | Kucinich | Sabo |
| Clyburn | Kildee | Ruppersberger | Pryce (OH) | Sherwood | Vitter | Costello | Lampson | Sánchez, Linda |
| Conyers | Kind | Rush | Putnam | Shimkus | Walden (OR) | Cramer | Langevin | T. |
| Cooper | Klecicka | Ryan (OH) | Radanovich | Shuster | Walsh | Crowley | Lantos | Sanchez, Loretta |
| Costello | Kucinich | Sabo | Ramstad | Simmons | Weldon (FL) | Cummings | Larsen (WA) | Sanders |
| Cramer | Lampson | Sánchez, Linda | Regula | Simpson | Weldon (PA) | Davis (AL) | Larson (CT) | Sandlin |
| Crowley | Langevin | T. | Rehberg | Smith (MI) | Weller | Davis (CA) | Levin | Schakowsky |
| Cummings | Lantos | Sanchez, Loretta | Renzi | Smith (NJ) | Whitfield | Davis (FL) | Lewis (GA) | Schiff |
| Davis (AL) | Larsen (WA) | Sanders | Reynolds | Smith (TX) | Wicker | Davis (IL) | Lowe | Scott (GA) |
| Davis (CA) | Larson (CT) | Sandlin | Rogers (AL) | Souder | Wilson (NM) | Davis (TN) | Lucas (KY) | Scott (VA) |
| Davis (FL) | Levin | Schakowsky | Rogers (KY) | Stearns | Wilson (SC) | DeFazio | Lynch | Serrano |
| Davis (IL) | Lewis (GA) | Schiff | Rogers (MI) | Stenholm | Wolf | DeGette | Maloney | Shays |
| Davis (TN) | Lowe | Scott (VA) | Rohrabacher | Sullivan | Young (AK) | DeLauro | Markey | Sherman |
| DeFazio | Lucas (KY) | Serrano | Ros-Lehtinen | Sweeney | Young (FL) | Dingell | Marshall | Simmons |
| DeGette | Lynch | Sherman | | | | Dooley (CA) | Matheson | Skelton |
| DeLauro | Maloney | Slaughter | Ackerman | Gephardt | McGovern | Doyle | Matsui | Slaughter |
| Dingell | Markey | Smith (WA) | Becerra | Gerlach | McNulty | Edwards | McCarthy (MO) | Smith (WA) |
| Doggett | Matheson | Snyder | Bel | Gillmor | Meeks (NY) | Engel | McCarthy (NY) | Snyder |
| Dooley (CA) | Matsui | Solis | Berkley | Goss | Mica | Eshoo | McCollum | Solis |
| Doyle | McCarthy (MO) | Spratt | Berman | Green (TX) | Norwood | Etheridge | McDermott | Spratt |
| Edwards | McCarthy (NY) | Stark | Bishop (NY) | Gutknecht | Ortiz | Evans | McIntyre | Stark |
| Engel | McCollum | Strickland | Blackburn | Hastings (FL) | Paul | Farr | Meehan | Stenholm |
| Eshoo | McDermott | Stupak | Blumenauer | Hinchey | Payne | Filner | Meek (FL) | Stenholm |
| Etheridge | McIntyre | Tanner | Boyd | Hoeffel | Pelosi | Ford | Menendez | Strickland |
| Evans | Meehan | Tauscher | Calvert | Houghton | Pitts | Frank (MA) | Michaud | Stupak |
| Farr | Meek (FL) | Taylor (MS) | Camp | Hunter | Platts | Frost | Millender- | Tanner |
| Filner | Menendez | Thompson (CA) | Carson (IN) | Isakson | Quinn | Gingrey | McDonald | Tauscher |
| Ford | Michaud | Thompson (MS) | Case | John | Rahall | Gonzalez | Miller (NC) | Taylor (MS) |
| Frank (MA) | Millender- | Tierney | Coble | Johnson (CT) | Reyes | Gordon | Miller, George | Thompson (CA) |
| Frost | McDonald | Towns | Collins | Jones (OH) | Scott (GA) | Grijalva | Mollohan | Thompson (MS) |
| Gonzalez | Miller (NC) | Turner (TX) | Culberson | Kilpatrick | Shaw | Harman | Moran (VA) | Tierney |
| Gordon | Miller, George | Udall (CO) | Davis, Tom | LaHood | Skelton | Hefley | Moran (VA) | Towns |
| Grijalva | Mollohan | Udall (NM) | Deal (GA) | LaTourette | Tancredo | Herseth | Moran (VA) | Turner (TX) |
| Gutierrez | Moore | Van Hollen | Delahunt | Leach | Tauzin | Hill | Moran (VA) | Turner (TX) |
| Hall | Moran (VA) | Velázquez | Lee | Lee | Wamp | Hinojosa | Nadler | Udall (CO) |
| Harman | Murtha | Visclosky | Deutsch | Linder | Waxman | Holden | Napolitano | Udall (NM) |
| Herseth | Nadler | Waters | Dicks | Lipinski | Wexler | Holt | Neal (MA) | Van Hollen |
| Hill | Napolitano | Watson | Emanuel | Lofgren | | Honda | Ney | Velázquez |
| Hinojosa | Neal (MA) | Watt | Fattah | Majette | | Holter | Oberstar | Visclosky |
| Holden | Oberstar | Weiner | | | | Hooley (OR) | Obey | Waters |
| Holt | Obey | Woolsey | | | | Hoyer | Olver | Watson |
| Honda | Olver | Wu | | | | Inslee | Owens | Watt |
| Hooley (OR) | Owens | Wynn | | | | Israel | Pallone | Weiner |
| Hoyer | Pallone | | | | | Jackson (IL) | Pascrell | Woolsey |
| Inslee | Pascrell | | | | | Jackson-Lee | Pastor | Wu |
| | | | | | | (TX) | Pomeroy | Wynn |

NOT VOTING—70

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1536

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. LARSON OF CONNECTICUT

The CHAIRMAN pro tempore (Mr. SIMPSON). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Connecticut (Mr. LARSON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 170, noes 189, not voting 74, as follows:

[Roll No. 357]

AYES—170

| | | | | | | | | |
|---------------|-----------------|--------------|-------------|-------------|----------------|---------------|-----------------|---------------|
| Aderholt | Davis, Jo Ann | Issa | Abercrombie | Baird | Boswell | Aderholt | Cunningham | Jenkins |
| Akin | DeLay | Istook | Alexander | Baldwin | Boucher | Akin | Davis, Jo Ann | Johnson (IL) |
| Bachus | Diaz-Balart, L. | Jenkins | Allen | Berman | Brady (PA) | Bachus | DeLay | Johnson, Sam |
| Baker | Diaz-Balart, M. | Johnson (IL) | Andrews | Berry | Brown (OH) | Baker | Diaz-Balart, L. | Jones (NC) |
| Ballenger | Doolittle | Johnson, Sam | Baca | Bishop (GA) | Brown, Corrine | Ballenger | Diaz-Balart, M. | Keller |
| Barrett (SC) | Dreier | Jones (NC) | | | | Barrett (SC) | Doolittle | Kelly |
| Bartlett (MD) | Duncan | Keller | | | | Bartlett (MD) | Dreier | Kennedy (MN) |
| Barton (TX) | Dunn | Kelly | | | | Barton (TX) | Duncan | King (NY) |
| Bass | Ehlers | Kennedy (MN) | | | | Bass | Dunn | Kingston |
| Beauprez | Emerson | King (IA) | | | | Beauprez | Ehlers | Kirk |
| Bereuter | English | King (NY) | | | | Bereuter | Emerson | Kline |
| Biggert | Everett | Kingston | | | | Biggert | English | Knollenberg |
| Bilirakis | Feeney | Kirk | | | | Bilirakis | Feeney | Kolbe |
| Bishop (UT) | Ferguson | Kline | | | | Bishop (UT) | Ferguson | Latham |
| Blunt | Flake | Knollenberg | | | | Blackburn | Flake | Lewis (CA) |
| Boehlert | Foley | Kolbe | | | | Blunt | Foley | Lewis (KY) |
| Boehner | Forbes | Latham | | | | Boehlert | Forbes | LoBiondo |
| Bonilla | Fossella | Lewis (CA) | | | | Boehner | Fossella | Lucas (OK) |
| Bonner | Franks (AZ) | Lewis (KY) | | | | Bonilla | Franks (AZ) | Manzullo |
| Bono | Frelinghuysen | LoBiondo | | | | Bonner | Frelinghuysen | McCotter |
| Boozman | Gallely | Lucas (OK) | | | | Bono | Garrett (NJ) | McCrery |
| Bradley (NH) | Garrett (NJ) | Manzullo | | | | Boozman | Gibbons | McHugh |
| Brady (TX) | Gibbons | Marshall | | | | Bradley (NH) | Gilchrest | McInnis |
| Brown (SC) | Gilchrest | McCotter | | | | Brady (TX) | Goode | McKeon |
| Brown-Waite, | Gingrey | McCrery | | | | Brown (SC) | Goodlatte | Miller (FL) |
| Ginny | Goode | McHugh | | | | Brown-Waite, | Granger | Miller (MI) |
| Burgess | Goodlatte | McInnis | | | | Ginny | Graves | Miller, Gary |
| Burns | Granger | McKeon | | | | Burgess | Green (WI) | Moran (KS) |
| Burr | Graves | Miller (FL) | | | | Burns | Greenwood | Murphy |
| Burton (IN) | Green (WI) | Miller (MI) | | | | Burr | Hall | Musgrave |
| Buyer | Greenwood | Miller, Gary | | | | Burton (IN) | Harris | Myrick |
| Cannon | Harris | Moran (KS) | | | | Buyer | Hart | Nethercutt |
| Cantor | Hart | Murphy | | | | Cannon | Hastings (WA) | Neugebauer |
| Capito | Hastings (WA) | Musgrave | | | | Cantor | Hayes | Northup |
| Carter | Hayes | Myrick | | | | Capito | Hayworth | Nunes |
| Castle | Hayworth | Nethercutt | | | | Carter | Hensarling | Nussle |
| Chabot | Hefley | Neugebauer | | | | Castle | Herger | Osborne |
| Chocola | Hensarling | Ney | | | | Chabot | Hobson | Ose |
| Cole | Herger | Northup | | | | Chocola | Hoekstra | Otter |
| Cox | Hobson | Nunes | | | | Cole | Hostettler | Oxley |
| Crane | Hoekstra | Nussle | | | | Cox | Hulshof | Pearce |
| Crenshaw | Hostettler | Osborne | | | | Crane | Hyde | Pence |
| Cubin | Hulshof | Ose | | | | Crenshaw | Issa | Peterson (MN) |
| Cunningham | Hyde | Otter | | | | Cubin | Istook | Peterson (PA) |

NOES—189

| | | |
|--------------|---------------|-------------|
| Petri | Saxton | Tiaht |
| Pickering | Schrock | Tiberi |
| Pombo | Sensenbrenner | Toomey |
| Porter | Sessions | Turner (OH) |
| Portman | Shadegg | Upton |
| Pryce (OH) | Sherwood | Vitter |
| Putnam | Shimkus | Walden (OR) |
| Radanovich | Shuster | Walsh |
| Ramstad | Simpson | Weldon (FL) |
| Regula | Smith (MI) | Weldon (PA) |
| Rehberg | Smith (NJ) | Weller |
| Renzi | Smith (TX) | Whitfield |
| Reynolds | Souder | Wicker |
| Rogers (AL) | Stearns | Wilson (NM) |
| Rogers (KY) | Sullivan | Wilson (SC) |
| Rohrabacher | Sweeney | Wolf |
| Ros-Lehtinen | Taylor (NC) | Young (AK) |
| Royce | Terry | Young (FL) |
| Ryan (WI) | Thomas | |
| Ryun (KS) | Thornberry | |

NOT VOTING—74

| | | |
|-------------|---------------|-------------|
| Ackerman | Gallegly | Lofgren |
| Becerra | Gephardt | Majette |
| Bell | Gerlach | McGovern |
| Berkley | Gillmor | McNulty |
| Bishop (NY) | Goss | Meeks (NY) |
| Blumenauer | Green (TX) | Mica |
| Boyd | Gutierrez | Norwood |
| Calvert | Gutknecht | Ortiz |
| Camp | Hastings (FL) | Paul |
| Cardoza | Hinchee | Payne |
| Carson (IN) | Hoeffel | Pelosi |
| Case | Houghton | Pitts |
| Coble | Hunter | Platts |
| Collins | Isakson | Quinn |
| Culberson | John | Rahall |
| Davis, Tom | Johnson (CT) | Reyes |
| Deal (GA) | Jones (OH) | Rogers (MI) |
| Delahunt | Kilpatrick | Rothman |
| DeMint | King (IA) | Shaw |
| Deutsch | LaHood | Tancredo |
| Dicks | LaTourette | Tauzin |
| Doggett | Leach | Wamp |
| Emanuel | Lee | Waxman |
| Everett | Linder | Wexler |
| Fattah | Lipinski | |

ANNOUNCEMENT BY THE CHAIRMAN PRO
TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1542

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. KING of Iowa. Mr. Chairman, on rollcall No. 357, had I been present, I would have voted "no."

The CHAIRMAN pro tempore. Are there any further amendments?

The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PETRI) having assumed the chair, Mr. SIMPSON, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3598) to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, and for other purposes, pursu-

ant to House Resolution 706, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR.
COSTELLO

Mr. COSTELLO. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. COSTELLO. I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Costello moves to recommit the bill H.R. 3598 to the Committee on Science with instructions to report the same back to the House forthwith with the following amendment:

Redesignate section 8 as section 9, and insert after section 7 the following new section:

**SEC. 8. MANUFACTURING AND PROFESSIONAL
EMPLOYMENT STUDY.**

(a) STUDY.—Not later than 60 days after the date of enactment of this Act, the Under Secretary of Commerce for Technology shall enter into a contract with the RAND Corporation, or a similar organization, for a study, as relates to the manufacturing sector including manufacturing research and technology, assessing—

(1) the nature and number of United States manufacturing and professional jobs moving outside the United States;

(2) the nature and number of jobs that have been moved outside the United States to support exports to the United States market;

(3) reemployment prospects for United States workers displaced by United States manufacturing and professional jobs moving outside the United States;

(4) the number of nonimmigrant alien H-1B and L-1 visas that have been issued, and what jobs they are being used for;

(5) the nature and number of jobs created in the United States by foreign investment in the United States;

(6) the nature and number of jobs moved outside the United States that are supported by Federal contractors and subcontractors; and

(7) the effects that the movement of United States manufacturing and professional jobs outside the United States is having on student career choices.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Under Secretary of Commerce for Technology shall transmit to the Congress a report on the results of the study conducted under subsection (a).

(c) POLICY RECOMMENDATIONS.—Not later than 4 months after the transmittal of the

report under subsection (b), the Under Secretary of Commerce for Technology shall transmit to the Congress policy recommendations based on the findings of the study conducted under subsection (a).

Mr. COSTELLO (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. COSTELLO) and a Member opposed each will be recognized for 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. COSTELLO).

Mr. COSTELLO. Mr. Speaker, I yield myself such time I may consume.

Mr. Speaker, my motion to recommit would send this legislation back to the Committee on Science with instructions to immediately report the bill back to the House with a provision requiring the Department of Commerce to complete an independent study on the short and long term effects of the outsourcing of jobs from the United States to other countries.

Mr. Speaker, since the year 2000 the United States has lost 2.7 million manufacturing jobs, of which 500,000 jobs were in high tech industries such as telecommunications and electronics. Since the year 2000, almost 650,000 jobs have disappeared in high tech service industries. In 48 of the 50 States, jobs in high-paying industries have been replaced with lower paying jobs.

A survey taken in March of this year of 216 CFOs found that 27 percent of those CFOs plan to send more jobs offshore this year. The Wall Street Journal, the Washington Post, Business Week and others have recently published articles that point to the fact that we lack sufficient and accurate data and information in order to determine the short- and long-term effects of offshoring. There are some in the Bush administration who have said that offshoring is a good thing and it is good for the U.S. economy.

□ 1545

Others say that it is bad for our country. My motion would require an independent study to provide exactly the information and data that we now lack to lay out a plan to address this critical problem.

I offered this amendment in the Committee on Science at our markup. Unfortunately, it was voted down on a party-line vote. I was told at the time that the majority had a problem with jurisdiction issues, that other committees may, in fact, claim jurisdiction. I went to the Committee on Rules. The Committee on Rules refused to allow a vote on my amendment.

My amendment would simply require an independent study of the outsourcing problem which is a problem for each congressional district in every State in the United States. This

administration and future administrations, this Congress and future Congresses, and the American people deserve the facts about outsourcing so we can prepare to deal with the problems both short and long term.

Mr. GORDON. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. I yield to the gentleman from Tennessee, the ranking member of the Committee on Science.

Mr. GORDON. Mr. Speaker, am I correct in saying that all the gentleman is asking for in his motion is that the administration conduct an independent study to gather data on offshoring of jobs and then to make some policy recommendations to the Congress on how we can jointly address this growing problem?

Mr. COSTELLO. The gentleman is correct.

Mr. GORDON. If the gentleman would continue to yield, is it true that if this motion is adopted, there would be no delay because the House could immediately reconsider the bill?

Mr. COSTELLO. Again, the gentleman is correct.

Mr. GORDON. Mr. Speaker, so a "yes" vote on the gentleman's motion is a vote to consider an independent study of offshoring and a "no" vote against the gentleman's motion is to reject a study by the Commerce Department on offshoring and recommendations for correcting the problem?

Mr. COSTELLO. Mr. Speaker, reclaiming my time, the gentleman is correct.

Mr. BOEHLERT. Mr. Speaker, I rise in opposition to the motion. This motion sounds good on the surface, but it is both misguided and unnecessary.

I have to say I am a little bit surprised to see my colleagues on the other side of the aisle get so excited over a study.

Outsourcing, they say correctly, is a major problem and their solution, a study. They are going to accuse us of foot dragging, not doing enough to keep and create jobs here at home, and as an alternative, they offer a study?

We have a bill before us that takes real, proven, practical and immediate steps to help American manufacturers. Is the other side arguing that the one thing it lacks is a study? That is political nonsense.

It is even worse, really, because if my colleagues across the aisle had done their homework, they would have discovered that the House has already approved a study on outsourcing and even has provided money for it and is part of a bill that will not get held up over other issues. We did not do this so long ago that they might have forgotten. The House approved the bill just yesterday.

The Commerce appropriation bill includes \$2 million for the National Academy of Public Administration, an independent, nongovernment body, to conduct a study. That is important. The entire House is already on record

in not only supporting an independent study of offshoring but actually funding it. So we back up our words with deeds.

Let us not encumber this bill with an unnecessary and duplicative study. Let us pass the bill and take real steps to help American manufacturers.

The SPEAKER pro tempore (Mr. PETRI). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. COSTELLO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by a 5-minute vote, if ordered, on passage of the bill and on the Speaker's approval of the Journal.

The vote was taken by electronic device, and there were—ayes 171, noes 193, not voting 69, as follows:

[Roll No. 358]

AYES—171

| | | |
|----------------|----------------|------------------|
| Abercrombie | Gordon | Moore |
| Alexander | Grijalva | Moran (VA) |
| Allen | Gutierrez | Murtha |
| Andrews | Harman | Nadler |
| Baca | Herseeth | Napolitano |
| Baird | Hill | Neal (MA) |
| Baldwin | Hinojosa | Oberstar |
| Berman | Holden | Obey |
| Berry | Holt | Oliver |
| Bishop (GA) | Honda | Owens |
| Boswell | Hooley (OR) | Pallone |
| Boucher | Hoyer | Pascarell |
| Brady (PA) | Inslee | Pastor |
| Brown (OH) | Israel | Peterson (MN) |
| Brown, Corrine | Jackson (IL) | Pomeroy |
| Capps | Jackson-Lee | Price (NC) |
| Capuano | (TX) | Rangel |
| Cardin | Jefferson | Rodriguez |
| Cardoza | Kanjorski | Ross |
| Carson (OK) | Kaptur | Rothman |
| Chandler | Kennedy (RI) | Roybal-Allard |
| Clay | Kildee | Ruppersberger |
| Clyburn | Kind | Rush |
| Conyers | Kleczka | Ryan (OH) |
| Cooper | Kucinich | Sabo |
| Costello | Lampson | Sanchez, Linda |
| Cramer | Langevin | T. |
| Crowley | Lantos | Sanchez, Loretta |
| Cummings | Larsen (WA) | Sanders |
| Davis (AL) | Larson (CT) | Sandlin |
| Davis (CA) | Levin | Schakowsky |
| Davis (FL) | Lewis (GA) | Schiff |
| Davis (IL) | Lowe | Scott (GA) |
| Davis (TN) | Lucas (KY) | Scott (VA) |
| DeFazio | Lynch | Serrano |
| DeGette | Maloney | Sherman |
| DeLauro | Markey | Shimkus |
| Dingell | Marshall | Skelton |
| Doggett | Matheson | Slaughter |
| Dooley (CA) | Matsui | Smith (WA) |
| Doyle | McCarthy (MO) | Snyder |
| Duncan | McCarthy (NY) | Solis |
| Edwards | McCollum | Spratt |
| Emerson | McDermott | Stark |
| Engel | McIntyre | Stenholm |
| Eshoo | Meehan | Strickland |
| Etheridge | Meek (FL) | Stupak |
| Evans | Menendez | Tanner |
| Farr | Michaud | Tauscher |
| Filner | Millender- | Taylor (MS) |
| Ford | McDonald | Thompson (CA) |
| Frank (MA) | Miller (NC) | Thompson (MS) |
| Frost | Miller, George | Tierney |
| Gonzalez | Mollohan | Towns |

Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen

Velázquez
Visclosky
Waters
Watson

Watt
Weiner
Woolsey
Wu

NOES—193

| | | |
|-----------------|---------------|---------------|
| Aderholt | Gilchrest | Oxley |
| Akin | Gingrey | Pearce |
| Bachus | Goode | Pence |
| Baker | Goodlatte | Peterson (PA) |
| Ballenger | Granger | Petri |
| Barrett (SC) | Graves | Pickering |
| Bartlett (MD) | Green (WI) | Pombo |
| Barton (TX) | Hall | Porter |
| Bass | Harris | Portman |
| Beauprez | Hart | Pryce (OH) |
| Bereuter | Hastings (WA) | Putnam |
| Biggart | Hayes | Radanovich |
| Bilirakis | Hayworth | Ramstad |
| Bishop (UT) | Hensarling | Regula |
| Blackburn | Herger | Rehberg |
| Blunt | Hobson | Renzi |
| Boehlert | Hoekstra | Reynolds |
| Boehner | Hostettler | Rogers (AL) |
| Bonilla | Hulshof | Rogers (KY) |
| Bonner | Hunter | Rogers (MI) |
| Bono | Hyde | Rohrabacher |
| Boozman | Issa | Ros-Lehtinen |
| Bradley (NH) | Istook | Royce |
| Brady (TX) | Jenkins | Ryan (WI) |
| Brown (SC) | Johnson (IL) | Ryun (KS) |
| Brown-Waite, | Johnson, Sam | Saxton |
| Ginny | Jones (NC) | Schrook |
| Burgess | Keller | Sensenbrenner |
| Burns | Kelly | Sessions |
| Burr | Kennedy (MN) | Shadegg |
| Burton (IN) | King (IA) | Shays |
| Buyer | King (NY) | Sherwood |
| Cannon | Kingston | Shuster |
| Cantor | Kirk | Simmons |
| Capito | Kline | Simpson |
| Carter | Knollenberg | Smith (MI) |
| Castle | Kolbe | Smith (NJ) |
| Chabot | Latham | Smith (TX) |
| Chocola | Leach | Souder |
| Cole | Lewis (CA) | Stearns |
| Cox | Lewis (KY) | Sullivan |
| Crane | LoBiondo | Sweeney |
| Crenshaw | Lucas (OK) | Taylor (NC) |
| Cubin | Manzullo | Terry |
| Cunningham | McCotter | Thomas |
| Davis, Jo Ann | McCrery | Thornberry |
| DeLay | McHugh | Tiahrt |
| Diaz-Balart, L. | McInnis | Tiberi |
| Diaz-Balart, M. | McKeon | Toomey |
| Doolittle | Miller (FL) | Turner (OH) |
| Dreier | Miller (MI) | Upton |
| Dunn | Miller, Gary | Vitter |
| Ehlers | Moran (KS) | Walden (OR) |
| English | Murphy | Walsh |
| Feeney | Musgrave | Weldon (FL) |
| Ferguson | Myrick | Weldon (PA) |
| Flake | Nethercutt | Weller |
| Foley | Neugebauer | Whitfield |
| Forbes | Ney | Wicker |
| Fossella | Northup | Wilson (NM) |
| Franks (AZ) | Nunes | Wilson (SC) |
| Frelinghuysen | Nussle | Wolf |
| Gallely | Osborne | Young (AK) |
| Garrett (NJ) | Ose | Young (FL) |
| Gibbons | Otter | |

NOT VOTING—69

| | | |
|-------------|----------------|------------|
| Ackerman | Gephardt | Lofgren |
| Becerra | Gerlach | Majette |
| Bell | Gillmor | McGovern |
| Berkley | Goss | McNulty |
| Bishop (NY) | Green (TX) | Meeks (NY) |
| Blumenauer | Greenwood | Mica |
| Boyd | Gutknecht | Norwood |
| Calvert | Hastings (FL) | Ortiz |
| Camp | Hefley | Paul |
| Carson (IN) | Hinchey | Payne |
| Case | Hoeffel | Pelosi |
| Coble | Houghton | Pitts |
| Collins | Isakson | Platts |
| Culberson | John | Quinn |
| Davis, Tom | Johnson (CT) | Rahall |
| Deal (GA) | Johnson, E. B. | Reyes |
| Delahunt | Jones (OH) | Shaw |
| DeMint | Kilpatrick | Tancred |
| Deutsch | LaHood | Tauzin |
| Dicks | LaTourette | Wamp |
| Emanuel | Lee | Waxman |
| Everett | Linder | Wexler |
| Fattah | Lipinski | Wynn |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PETRI) (during the vote). There are 2 minutes remaining in this vote.

□ 1608

Mrs. EMERSON and Mr. DUNCAN changed their vote from "no" to "aye." So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I missed rollcall No. 358, because of an interview on a network. If I had been present I would have voted "aye."

PERSONAL EXPLANATION

Mr. MCGOVERN. Mr. Speaker, I was unavoidably detained on rollcall vote Nos. 355–358. If I were present, I would have voted: "Yes" on rollcall vote No. 355 (the Gordon Amendment); "yes" on rollcall vote No. 356 (the Jackson-Lee Amendment); "yes" on rollcall vote No. 357 (the Larson Amendment); "yes" on rollcall vote No. 358 (the Motion to Recommit).

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, personal reasons will prevent me from being present for legislative business scheduled after 2 p.m. today, Friday, July 9, 2004. Had I been present, I would have voted "aye" on the amendment offered by Mr. GORDON (rollcall No. 355); "yes" on the amendment offered by Ms. JACKSON-LEE (rollcall No. 356); "aye" on the amendment offered by Mr. LARSON (rollcall No. 357); "aye" on the motion to recommit the bill H.R. 3598 (rollcall No. 358).

PERSONAL EXPLANATION

Mr. EMANUEL. Mr. Speaker, due to a family commitment, I was not present in the Chamber on Friday, July 9, to cast my votes on rollcalls 355 through 358. Had I been present, I would have voted "yes" on each measure.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

Pursuant to clause 1, rule I, the Journal stands approved.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3889

Mrs. MYRICK. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3889.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I take this time, as much as may be required, to inquire of the gentleman from California (Mr. DREIER), chairman of the Committee on Rules, of the schedule for next week.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding to me, and as we have just observed, we have completed our business for the day and for the week.

The House will convene on Monday at 12:30 for morning hour and 2 p.m. for legislative business. We plan to consider several measures under suspension of the rules. A final list of those bills will be sent to Members' offices by the end of this day. Any votes called for on those measures will be rolled until 6:30 p.m.

Members should be aware we also plan to consider the rule for the fiscal year 2005 agriculture appropriation bill, as well as H.R. 4755, the fiscal 2005 Legislative Branch appropriation bill on Monday.

On Tuesday, and the balance of the week, we expect to consider additional legislation under suspension of the rules. We plan to complete consideration of the agriculture appropriation bill, as well as consider additional bills under a rule:

S. 15, the Project Bioshield Act; H.R. 4759, the U.S.-Australia Free Trade Agreement; and the fiscal year 2005 foreign operations appropriation bill.

Finally, and I know this will be pleasant news to all of our colleagues after a long Friday, we would like Members to know that a week from today, on Friday, July 16, we do not expect any votes on the floor.

And I would be happy to accept any questions that my friend from Maryland, the distinguished minority whip, might like to proffer.

Mr. HOYER. Reclaiming my time, Mr. Speaker, I thank the gentleman for the information and appreciate his being open to additional questions.

To clarify the schedule for the appropriation bills the gentleman has listed for next week, does the gentleman anticipate on Monday that we will complete the Legislative Branch bill?

Mr. DREIER. Mr. Speaker, if the gentleman will yield further, yes, the Legislative Branch appropriation bill, we hope. Then, as I say, we will be bringing up the rule on the agriculture appropriation bill. And I doubt that that will be completed at that time. It will go over.

Mr. HOYER. So on Tuesday the gentleman expects we will complete the Ag bill?

Mr. DREIER. Mr. Speaker, if the gentleman will continue to yield, yes, the agriculture appropriation bill will be our work primarily on Tuesday.

Mr. HOYER. Mr. Speaker, does the gentleman have a feel for when we will consider the Foreign Ops appropriation bill?

Mr. DREIER. Probably on Thursday of next week we would most likely consider the Foreign Ops bill.

Mr. HOYER. Will we consider the BioShield bill on that day as well?

Mr. DREIER. No, our plan is to, on Wednesday, deal with both the BioShield Act as well as the U.S.-Australia Free Trade Agreement.

Mr. HOYER. Mr. Speaker, I thank the gentleman. Now, on the Australia Free Trade Agreement, or any other trade bill, what day does the gentleman anticipate we will be considering the Australia Free Trade bill?

Mr. DREIER. Mr. Speaker, as I said, along with the BioShield Act on Wednesday we also anticipate considering the U.S.-Australia Free Trade Agreement.

Mr. HOYER. All right. I thank the gentleman. On the appropriation bills that we will consider, will they be considered under the usual rule? I understand perhaps the legislative rule may be a restrictive rule.

And I yield to the gentleman, Mr. Speaker.

Mr. DREIER. Yes, if the gentleman will continue to yield, Mr. Speaker, as the gentleman knows, we have already addressed the issue of the rule for the legislative branch appropriation bill, and that is in fact a structured rule. It is our intention on the other measures that are before us to consider them under the standard open amendment process, just as we have this week on the appropriation issues that we have addressed.

Mr. HOYER. I thank my friend for the information.

Mr. DREIER. I thank my friend for yielding.

Mr. HOYER. In closing, Mr. Speaker, and I do not want to get deeply into this, but can we anticipate votes on any of these? And if we can anticipate votes on them, will they be in the approximate range of 15 to 20 to 25 minutes? Or does the gentleman have any idea what our plan is?

Mr. DREIER. If the gentleman will continue to yield, I would simply say that it is our intention, as is always the case, to have the majority comply with rule XX, clause 2(a), which states that all votes should be held within a minimum of 15 minutes. And then, if my friend would further yield, I would say it is also quite possible that some Members, either still coming to the chamber or who are in the Chamber, who might either have not voted if they are coming to the Chamber or if they are here, may want to consider changing their votes.

As has often been the case, as I said in my closing remarks on the rule today, when I served in the minority, during those wonderful 14 years that my friend was in the majority before 1994, and also since we have been in the majority, we have clearly done that.

So I thank my friend for yielding, and it is our intention to simply comply with clause 2(a), rule XX, when it comes to dealing with votes.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that explanation, I suppose is the kindest adjective to apply. I appreciate the gentleman's observation. I will say that the gentleman treats gingerly the changing of opinions. That is, obviously, as the gentleman noted in his closing argument, the subject of debate and also subject to discussion that goes on on this floor, which is clearly appropriate.

But I will tell the gentleman that his party believed that the keeping of the votes open for an extended period of time, i.e. in excess of 20 minutes, was corrupt, and the Vice President said it was corrupt. The Vice President said it undermines civility. The Vice President, when he then had my job, minority whip, said that it was undemocratic.

The gentleman has indicated that we did, in fact, from time to time, keep the vote open for longer than 20 minutes. The gentleman is absolutely accurate. But we did not claim it was undemocratic, undermining civility or corrupt. It was the gentleman's side that claimed that.

Mr. DREIER. If the gentleman would yield.

Mr. HOYER. In just one second.

Mr. Speaker, I suppose, then, the question becomes, in the context of situational ethics, has something changed that has brought about this recognition of it as a lack of corruption, lack of undermining the democratic process, and a lack of undermining civility? And I yield to my friend.

Mr. DREIER. Well, Mr. Speaker, I thank my friend for yielding, and I think he raises a very good point.

I have said on a number of occasions that the year I was born was the last time that my party was elected to serve in the majority here in the House of Representatives, until we won our majority in 1994. In fact, the gentleman referenced the now Vice President of the United States, the former minority whip, Mr. CHENEY. And Mr. CHENEY never served as a member of the majority here in the House of Representatives.

I have admitted that there are a number of things that we have learned, with not a single Member having served in the majority once we emerged to that status following the election of 1994. So it is true we understand that leadership does entail making tough decisions, and, occasionally, as I said in my closing remarks on the rule earlier today, involve extending an invitation to Members to deliberate and, in fact, on occasion, change their mind. That is part of the democratic process.

□ 1615

So I will admit that the process which we observed on numerous occasions when the gentleman's party was in the majority is something which did provide an opportunity for us to learn from.

One thing I will say, when we look at the issue of slowing up a process or cre-

ating challenges, I think about the other body which as we all know has this very unique ability to allow one Member to hold up an entire process and delay the opportunity to move forward on a number of issues, including confirmations. So I think we, having a 38-minute vote here, it is not unprecedented. I will say we did in fact see the democratic process work.

Mr. HOYER. Mr. Speaker, reclaiming my time, was the Vice President, acting as the minority whip, wrong when he said this was a corrupt practice?

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, what I will say is there was no one in the minority at that time who had the experience that many of my colleagues on the other side of the aisle have had up to that point in 1994 when we won the majority.

Mr. HOYER. Mr. Speaker, I heard the assertion of the lack of experience in the majority, but my question was: Was the Vice President wrong?

Mr. DREIER. Mr. Speaker, I am not going to characterize rightness or wrongness. What I am saying is when we on this side of the aisle have extended the invitation to Members to consider changing a vote, we saw that done many times on the other side of the aisle. I can only speak for myself, but I am a Member who has learned that process is a very important part of the legislative process itself, and the process of democratic governance.

Mr. HOYER. Mr. Speaker, I want to say very seriously I have served along with the gentleman from California (Mr. DREIER) for over 2 decades in this institution. I care a great deal about this institution, and the attacks made on this institution for the 14 years that I was in the majority and the assertions that were made and the characterization which I did not fully express on the floor that the minority whip made of Mr. Wright, the Speaker of the House of Representatives, and the names or the epithets that were used against him, there has never been an apology for that, notwithstanding this new information and new perspective that the Republican Party has gained now that they are in the majority and perhaps see the necessity to take actions that at some point in time they thought were corrupt, undemocratic, and undermining of civility.

We are not going to resolve this, but I will state that the gentleman and I have had discussions about comments the gentleman made about open rules, about amendments, about motions to recommit, about time for debate, about time for consideration prior to the Committee on Rules meeting and reporting out bills, and that perspective, as has been noted in our discussions in the Committee on Rules, has somewhat changed.

Mr. DREIER. Mr. Speaker, if the gentleman would continue to yield, I am

happy that in that litany of issues raised, the gentleman raised the issue of motions to recommit.

As the gentleman knows very well, when we were in the minority, we were often denied motions to recommit. Yet when we won the majority in 1994, because of the expertise that so many of us had had serving in the minority for so many years, we made a determination at that time that we would change the rules to in fact provide the minority with at least one bite at the apple, meaning an opportunity to vote on that motion to recommit; and in most instances, not every, I will acknowledge, but in most instances, two opportunities for the minority to have a chance to modify and change a piece of legislation by providing a substitute at the end of a bill itself.

I will acknowledge when it came to the issue of the amendment process itself, we are here Friday afternoon having gone through a long and drawn out appropriations process, which we are in the midst of right now, most of these bills are being considered under an open amendment process. We have a very narrow majority in the House. When the gentleman's party was in the majority, they had a 70-vote margin. We have a responsibility to move our agenda, so we have often done it under a structured amendment process. But at the end of the day, we still have provided something that did not exist when we were in the minority, that being the right to offer a recommittal motion.

Mr. HOYER. Mr. Speaker, reclaiming my time, prolonging this will not be very educational for Members or others who might be interested, but I will observe that oftentimes the offering of a motion to recommit without the provision for the waivers that are given to the majority in terms of the germaneness of those motions to recommit with instructions essentially precludes the minority party from offering the alternative which they believe is the best alternative.

Mr. DREIER. Mr. Speaker, if the gentleman would yield on that point, I would just remind the gentleman when we were debating an issue which is very important to this institution, that is the continuity of Congress, we had a recommittal motion offered by the gentleman from North Carolina. And as the gentleman knows, that was accepted on this side as we were moving ahead with that very important quest to try to bring about a bipartisan solution to the challenge of dealing with a potential catastrophe to this institution.

Mr. HOYER. Mr. Speaker, I would ask the gentleman, is that the same bill on which the committee refused to have a hearing on that very critically important issue, the alternative offered by the gentleman from Washington (Mr. BAIRD)?

Mr. DREIER. Mr. Speaker, if the gentleman will continue to yield, the last Congress did hold a hearing on that

legislation, and when the request was made to deal with the proposals of the constitutional amendment, they were not even offered by Members of the Committee on the Judiciary when they did proceed with the markup in that committee.

Mr. HOYER. My question was for this year. There was no hearing, am I correct?

Mr. DREIER. The gentleman is correct, although I recall testifying on this issue before the Committee on House Administration this year as we dealt with this issue.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his observations.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from California?

There was no objection.

ADJOURNMENT TO MONDAY, JULY 12, 2004

Mr. DREIER. Mr. Speaker, I ask unanimous consent when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from California?

There was no objection.

REPUBLICANS WIN COVETED ROLL CALL TROPHY

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, I am pleased to announce the results of the 43rd Annual Roll Call Baseball Game for Charity between the Democrats and Republicans. While the gentleman from Maryland (Mr. HOYER) is still on the floor, I want to thank him for his warm hospitality in his district at the Prince George's County Stadium and his graciousness, despite losing. And I particularly want to thank all of the players and the gentleman from Minnesota (Mr. SABO), the Democrat manager, for being such great sportsmen. We are pleased for one more year to possess this coveted Roll Call trophy, which is all one word, coveted Roll Call trophy. I am glad to have it here on the floor, and I will have it protected in my office for the next year. The score was 14-7.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. OXLEY. I yield to the gentleman from Maryland.

Mr. HOYER. The gentleman from Minnesota (Mr. SABO), the manager of the Democratic team, is not on the floor, but I know he would want me to congratulate you. As painful as defeat is, we graciously acknowledge that the second inning was devastating in which you scored 9, 10, 11 runs. It is going up, 10 runs, I guess. And it would be not as gracious to observe that other than that second inning, the game was pretty good. But I congratulate the gentleman on behalf of the somewhat gracious losers.

Mr. OXLEY. Mr. Speaker, I thank the gentleman. The final score was 14-7. I thank the sponsors of this event. There were over 5,000 people, the largest crowd at the event ever, and it will produce over \$100,000 for the Adult Literacy Council and Boys and Girls Clubs of the Washington area. They are always very worthy recipients.

Thanks to the gentleman from Minnesota (Mr. SABO), half of the budget of the Adult Literacy Council will be provided from the proceeds of this game. We are very pleased about that. I notice the gentleman from New Jersey (Mr. SAXTON), one of the announcers for the game, he and former member Martin Russo. We thank them for their fine work. And finally, I want to thank Hall of Famer Lou Brock, who was brought here by the auspices of the Baseball Hall of Fame, as well as Major League Baseball. He was very gracious, threw out the first ball, threw a strike, signed autographs for the kids, and had pictures taken. To Lou Brock and his wife, thank you for making the 43rd annual baseball game one to remember.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE EN- GROSSMENT OF H.R. 2828, WATER SUPPLY, RELIABILITY, AND EN- VIRONMENTAL IMPROVEMENT ACT

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2828, the Clerk be authorized to make technical and conforming changes as may be necessary to reflect the action of the House just taken.

The SPEAKER pro tempore (Mr. GINGREY). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

WE NEED A DIFFERENT ECONOMIC POLICY

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, Vice President CHENEY was in Cleveland this week trying to explain the President's economic policy to a State which has lost one-sixth of its manu-

facturing jobs since President Bush and Vice President CHENEY took office, a State that has lost almost 200,000 jobs overall, a State that has lost 195 jobs every single day of the Bush administration.

His answer to Ohio's economic problems is more tax cuts for the wealthiest people in the State hoping those tax cuts will trickle-down and create jobs. That clearly has not worked. And his other answer is more trade agreements like NAFTA and other trade agreements which have hemorrhaged jobs and shipped jobs overseas.

Clearly we need a new direction. The Bush economic policies are not working in the industrial Midwest. They are not working in small-town Ohio; they are not working in the big cities. We need a different economic policy. The Bush program simply is not working.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

□ 1630

CONGRATULATING ALCEE HASTINGS

The SPEAKER pro tempore (Mr. GINGREY). Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, I rise with a great deal of pride to announce to the Members of the House the election of our colleague, the gentleman from Florida (Mr. HASTINGS), as president of the Organization on Security and Cooperation in Europe's Parliamentary Assembly.

That assembly, Mr. Speaker, is an assembly of 55 signatory states to the Helsinki Final Act. Those 55 nations were represented by over 300 parliamentarians at their annual meeting in Edinburgh, Scotland, this past week.

Earlier today, Edinburgh time, the gentleman from Florida (Mr. HASTINGS) received on the first ballot over 55 percent of the votes. This is a historic occasion. He is the first American ever elected president of the OSCE Parliamentary Assembly. Not only that, he is the first minority to be elected president of the Organization on Security and Cooperation in Europe and, based upon the information I have, I believe the first and only African American to ever be elected president of one of the interparliamentary assemblies, combining Europe and the United States.

The gentleman from Florida (Mr. HASTINGS), a distinguished member of our body, has served on the Commission on Security and Cooperation in Europe since 2001 and has been vice president of the OSCE for the past 2 years. He also has gained important experience in international affairs as a

member of the Permanent Select Committee on Intelligence. The gentleman from Florida (Mr. HASTINGS) is now serving his seventh term in the Congress of the United States.

I want to thank the gentleman from Illinois (Speaker HASTERT) and the bipartisan delegation. The gentleman from Florida (Mr. HASTINGS) serves in this body and is a Democrat; but he ran as an American, and he was supported by the American delegation, Republicans and Democrats. And I want to thank the gentleman from New Jersey (Mr. SMITH) for his leadership of our delegation, the chairman of the Organization of Security and Cooperation in Europe Commission here in the Congress.

The gentleman from Illinois (Speaker HASTERT), in his letter supporting the gentleman from Florida (Mr. HASTINGS), said, "Never one to retreat from a challenge, Alcee Hastings possesses an instinctive ability to identify solutions and build common ground for their implementation."

It was that ability, that quality, that determination that the gentleman from Florida (Mr. HASTINGS) had which led to his overwhelming election. Gert Weisskirchen, in Germantown, who withdrew in favor of the gentleman from Florida (Mr. HASTINGS) this week, said to the Palm Beach Post that the gentleman from Florida (Mr. HASTINGS) represents the best of the United States. Now, Mr. Weisskirchen and the gentleman from Florida (Mr. HASTINGS) have served together for almost a decade in the organization's parliamentary assembly, so his observations are well founded and based upon his experience.

The gentleman from Florida (Mr. HASTINGS) will bring credit to our country, credit to our Congress, and credit to the Parliamentary Assembly. I will tell my colleagues that the United States has the privilege next year in July on our July 4 break of hosting the 55 nations that make up the Parliamentary Assembly. I know that all of us look forward to welcoming our colleagues from throughout Europe and Canada, the signatory states, with the gentleman from Florida (Mr. HASTINGS) as the president of that organization to our Capitol city and showing them American hospitality, while at the same time cementing a relationship with our allies and raising very significant and important issues to international security, peace, and economic well-being.

Mr. Speaker, I thank you for this time to honor our colleague, the gentleman from Florida (Mr. HASTINGS), on this historic election as president of the Parliamentary Assembly of the OSCE.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

(Mr. PAUL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. PENCE. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Texas (Mr. PAUL).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

OUTRAGEOUS RULING BY THE INTERNATIONAL COURT OF JUSTICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

Mr. PENCE. Mr. Speaker, this is a dark day in the history of international law. Today, the International Court of Justice, at the request of the United Nations General Assembly, ruled, "The construction of the wall being built by Israel, the occupying power in the occupied Palestinian territory, including in and around east Jerusalem and its associated regime, is contrary to international law."

With this extraordinarily biased decision, the International Court of Justice has become an international disgrace. This outrageous ruling confirms what many of us have feared, that opponents of Israel have overtaken the judicial process at the U.N.'s highest judicial court and have begun to use it for political aims on the world stage.

Mr. Speaker, the referral of this issue itself was biased and prejudged Israel. The referral actually used contestable political language such as "occupied Palestinian territory" and referred to the Israeli security fence repeatedly as a wall. It is as if the court simply did a cut and paste of those terms and issued them in their ruling today, completely failing in their multipage ruling to talk about context, namely years of brutal terrorism at the hands of Palestinian extremists against Israeli civilians.

Mr. Speaker, it is crucial today that we make a pair of points that the International Court of Justice completely ignored. Number one, Israel's security fence prevents terrorism; and, number two, the ICJ had no authority to hear this case.

These two points, Mr. Speaker, are actually reflected in a resolution that I authored along with the gentlewoman from Nevada (Ms. BERKLEY) that has garnered nearly 163 co-sponsors, Republicans and Democrats alike. The Pence-Berkley resolution resolves, in effect, that Congress supports the construction by Israel of a security fence to prevent Palestinian terrorist attacks; and, number two, that Congress condemns the decision by the UN General Assembly to request the Court of Justice to act.

Mr. Speaker, I rise humbly today to say Congress would do well in the coming days to act with all expeditious speed on this legislation, on this reso-

lution, and make a statement that America stands with Israel.

I authored this resolution after my wife, Karen, and I toured Israel in January of this year. Seen in this photograph, we are standing with Israeli defense forces along the side of a chain-linked fence, which the International Court of Justice today repeatedly described as a wall. A chain-linked fence that nevertheless has proven to be an effective tool in thwarting terrorist attacks.

In the north of Israel, where a section of the fence has been completed, there has not been a single suicide attack in more than 8 months. Before the first stage of the fence became operational in July of 2003, the average number of attacks was 8.6 per month. In the past 11 months, that figure has dropped dramatically to only 3.2 attacks per month.

In the 2 hours that we toured the security fence this day in January in Israel, the security officials traveling with us received in my presence three separate calls on their radios about attempted terrorist incursions. In 2 hours, three separate terrorist incursions. These incursions, while they do not succeed but on an intermittent basis, the reality is that the attempts are a daily reality for Israelis. The truth is the Israeli Security Fence has prevented terrorism, and that was a fact completely lost on the International Court of Justice.

Also lost is that under international norms, the Israeli Supreme Court, just like if it was the United States Supreme Court and not the court in the Hague, has sole jurisdiction over this matter. In fact, the Israeli Supreme Court is an independent judiciary of a sovereign and democratic nation. Its rulings on the Israeli Security Fence has struck a fair balance between the rights of Israelis to live free from suicide bombings and the right of Palestinians to their economic well-being, and there is no legal basis for the court in the Hague to usurp its authority.

So I rise today, Mr. Speaker, to urge this Congress to act on House Concurrent Resolution 371 that the gentlewoman from Nevada (Ms. BERKLEY) and I introduced and enjoys 163 cosponsors and to act deliberately. Or if not on our resolution, that in the next several days to rise with one voice, Democrats and Republicans alike, to condemn this unjust decision by the International Court of Justice.

I also challenge my colleagues, as we think about funding issues and resources that will be spent in the direction of the United Nations, that we seriously reconsider any effort to direct U.S. taxpayer dollars to this international court, if I may say, of injustice.

Like so many million Americans I pray for the peace of Jerusalem and I stand with Israel, believing as those same millions do that He will bless those who bless her, He will curse those who curse her.

Let the voice of the American people be heard. Let us condemn this unjust and disgraceful decision by the International Court of Justice.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to take the Special Order time of the gentlewoman from California (Ms. WOOLSEY).

The SPEAKER pro tempore (Mr. GINGREY). Is there objection to the request of the gentleman from Ohio?

There was no objection.

THE REPUBLICAN MAJORITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, it has been a bad week in Washington. Adding to their laundry list of legislative arm twisting, House Republicans yesterday once again bent democracy to fit their needs by holding a traditional 15-minute vote open for 38 minutes until they were able to change the outcome of the vote to their favor.

It was not an isolated incident of arrogant disregard for the political process by Republican leadership in this Congress. It was an example yesterday of the "modern-day" Republican and their win-at-all-cost style of governance. Never before when the Democrats were in control or when Newt Gingrich was Speaker of the House, never before has this House of Representatives operated in such secrecy.

At 2:54 a.m. on a Friday in March, 2003, the House cut veterans' benefits by three votes. At 2:39 a.m. on a Friday in April, the House slashed education and health care by five votes. At 1:56 a.m. on a Friday in May, the House passed the tax cut bill, weighted especially towards millionaires, by a handful of votes. At 2:33 a.m. on a Friday in June, the House passed the Medicare privatization bill by one vote. At 12:57 a.m. on a Friday in June, the House eviscerated Head Start by one vote. And then, after returning from summer recess, at 12:12 a.m. on a Friday in October, the House voted \$87 billion for Iraq. Always in the middle of the night, always after the press had passed their deadlines, always after the American people had turned off the news and gone to bed.

What did the public see? At best, Americans read a small story with a brief explanation of the bill and the vote count in the Saturday newspaper. And people here, the Republican lead-

ership, knows that Saturday is the least read newspaper of the week.

What did the public miss? They did not see the House votes, which normally take 15, 17, sometimes 20 minutes, they did not see them dragging on for as long as one hour as members of the Republican leadership trolled for enough votes to cobble together a Republican victory. They did not see GOP leaders stalking the floor for whoever was not in line. They did not see the gentleman from Illinois (Speaker HASTERT); they did not see the gentleman from Texas (Mr. DELAY), majority leader; they did not see the gentleman from Missouri (Mr. BLUNT), majority whip coerce enough Republican Members, arm-twisting them, berating them sometimes, threatening them sometimes, offering them things sometimes. They did not see them switching their votes to produce the desired results. In other words, they did not see the subversion of democracy.

Then in November they did it again. The most sweeping changes in Medicare in its 38-year history were forced through the House at 5:55 on a Saturday morning. The debate started at midnight. The roll call began at 3 o'clock late Friday night/early Saturday morning. Most of us voted with this plastic card that we were given within the 20 minutes allotted. Normally the Speaker would have gavelled the vote. The vote would be completed. But not this time because the bill was losing.

By 4 a.m., the bill had been defeated, 216 to 218. Still the Speaker refused to gavel the vote closed. Then the assault began. The gentleman from Illinois (Speaker HASTERT); the gentleman from Texas (Mr. DELAY); the gentleman from Missouri (Mr. BLUNT); the gentleman from California (Mr. THOMAS), the Committee on Ways and Means chairman; and the gentleman from Louisiana (Mr. TAUZIN), the Committee on Energy and Commerce chairman, all searched the House floor for Republican Members to bully.

I watched them surround the gentleman from Cincinnati, Ohio (Mr. CHABOT), trying first a carrot, then a stick. He believes what he does. He remained defiant. He showed his integrity. Next they aimed at the gentleman from Michigan (Mr. SMITH), retiring congressman, and these are his words as I tell this story, whose son is running to succeed him. They promised support if he changed his vote to "yes." They promised \$100,000 for his son's campaign. They said if he refused, they threatened his son's future.

□ 1645

He stood his ground, again showing integrity and courage.

Many of the two dozen Republicans who voted against the bill had fled the floor. One Republican headed into the Democratic cloakroom. I saw her there about 5:30.

By 4:30, the browbeating had moved into the Republican cloakroom, out of

sight of the C-SPAN cameras and out of sight of the insomniac public. Republican leaders woke President Bush, a White House aide passed a cell phone from one recalcitrant Republican Member to another.

At 5:55, two hours and 55 minutes after the roll call had begun, twice as long, twice as long, as any roll call had ever taken in this House of Representatives, two western Republicans emerged from the cloakroom. They walked down this aisle, ashen and cowed, to the front of the Chamber. They picked up cards on this table, they picked up a green card, they surrendered their card to the Clerk, the Speaker gavelled the vote closed, and Medicare privatization passed.

You can do a lot in the middle of the night, under the cover of darkness.

That is what the Republicans did again this week. You wonder how they are going to violate democracy in the weeks ahead as we preach democracy in Iraq and around the world.

The SPEAKER pro tempore (Mr. GINGREY). Under a previous order of the House, the gentleman from Ohio (Mr. OXLEY) is recognized for 5 minutes.

(Mr. OXLEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ECONOMIC POLICIES OF CURRENT ADMINISTRATION WORKING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. SAXTON) is recognized for 5 minutes.

Mr. SAXTON. Mr. Speaker, each month the Joint Economic Committee has the opportunity to receive job growth data from the Labor Department's Bureau of Labor Statistics. This month, the JEC was pleased to receive good news; fortunately, good news of two kinds: First, many good paying jobs are being created in large numbers in the U.S. economy; and, second, job growth continues at a rapid rate.

The June payroll employment increases pushed the total employment gains since August to 1.5 million jobs. According to the new data released a week ago by the Bureau of Labor Statistics, job growth continues today as the payroll employment increased by 112,000 jobs in June.

During the past few days, however, some have contended that most of the recent employment gains are in low wage jobs. Quite the contrary is true. Occupations that are relatively well paid accounted for over 70 percent of the net increases in employment between June of 2003 and June of 2004.

Although this does not mean that all of the jobs that were created in these categories were high-paying, most of them were. The jobs in these occupational categories are generally highly paid. It does indicate that most of the recent employment gains have not

been disproportionately in low-wage occupations, as some in this House have claimed.

Specifically, according to the statistics from the Bureau of Labor Statistics Household Survey, between June 2003 and June 2004, 71.4 percent of the net increase in employment was in three relatively well-paid occupational categories: Management, professional and related occupations, that category comprised 23.1 percent of the job gains; construction and extraction occupations, that is, mining occupations, accounted for 36.1 percent; and installation, maintenance and repair occupations accounted for 12.2 percent.

The earnings in these occupational categories are higher than the median and much higher than the earnings of the typical low-income worker. Most of the workers in well-paid occupations have earnings in the middle range or higher.

These employment figures indicate that most of the new jobs are not at low wage levels, but at higher levels of earnings. We have been hearing assertions about "hamburger flippers," jobs dominating employment for about 20 years now. Those stories have not come true. It just is not happening. We are not about to become a Nation of hamburger flippers.

The data shows that most of the recent employment gains have been in relatively well paid occupations. This is good news for the American worker and is good news for the American family. It means that the low-paying job problem that accompanied the economic downturn which began in the last half of 2000, during the Clinton administration, has been rectified.

It further means that the economic policies of the current administration are working to bring pocketbook issues into a positive state.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

KNOWLEDGE IS POWER IN AMERICAN POLITICS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, knowledge is power. That is the hope for America right now. That is the hope, that the American people will see what is happening in the people's House at the direction of the White House.

Democracy was subverted in a brazen manner here, and it is because of the administration that has a policy that States' ignorance is a virtue.

The President of the United States proudly says, "I don't read newspapers.

I don't read books, except for children's books when there is a photo-op possibility. I only take information that is pre-chewed by my staff and brought in to me and given to me." We will talk more about that later.

But the fact is the reason they want the PATRIOT Act is because as a part of this "ignorance is a virtue" policy, we have got to keep the American people ignorant. How can you do that? Keep them out of the libraries. We do not want them going into the libraries and reading books and finding out things that the President does not even know. What will happen if the people know more than the President?

So, the PATRIOT Act says, give the CIA and the FBI the ability to come into the library and see what you, the American people, are reading. What is going on here?

Now, this body came out here and took that power away. But it was suppressed. Democracy was suppressed in this body. After we restored the basic freedoms and civil liberties guaranteed by the Constitution and the Bill of Rights, we took away the people's right to read whatever they want without having the government snooping over their shoulder.

Democracy was censored after the American people's representatives had spoken loudly and clearly through their elected representatives, Democrats and Republicans. This was not just Democrats. The people told us to restore some of the basic freedoms and the civil liberties subverted by the PATRIOT Act. We did it out here on this floor.

But King George III did not want that. He wanted a different outcome. Democracy was subverted in a brazen display of raw political arrogance ordered by the administration and executed by the Republicans. America has never been so divided.

The Republican America is a place where the polls stay open until the Republicans win. Now, you have all voted in an election. You go to the polls and they close at 8 o'clock. You cannot come at 8:10 and say, "Hey, I want to vote." They are closed. It is over. You only can vote until then.

The Republican America is a place where the voice of the people is drowned out by the iron will of this administration. They did it right here on the floor. The Republican America is a place where fear is useful and greed is very, very good.

The Republican America is a place where democracy is endangered by an administration unwilling to accept the will of the American people.

Mr. Speaker, knowledge is power. The administration preordained the war in Iraq. They decided they were going to war. They manufactured reasons and they remanufactured responses as knowledge of the President's war choices began to reach the American people and turned out to be false.

The Senate Intelligence Committee has just put out a report which is just

the tip of the iceberg. They say the CIA gave bad information to the President. Remember, the President does not read anything himself. He does not read the newspapers, he does not read books. He lets people he trusts come in and tell him what has happened.

So, the CIA is at fault for why we are in Iraq. There is no other answer. Our President could not be at fault, because he took the word of people he trusted.

Now, the CIA is not without fault, but they are not solely to blame. What about the trips that Vice President CHENEY made out to Langley to the CIA headquarters, and twisted arms and said, "Can't you find some reason here why we can go into Iraq?" He did it five times, so that when the information came from the CIA to the President, who did not know anything else, he took what Mr. CHENEY squeezed out of the CIA. The process behind the intelligence was tainted. What did the administration know? What did they ignore, mischaracterize or discount, because it did not fit their agenda?

The checks and balances of this government were broken down by an administration that had a blank check from the Congress: "Go out and do anything you want on the war on terror." So they had the blank check in their pocket.

Then they had to have a clear intent for why they should invade Iraq, so they had to go to the CIA: "Give us a reason. Come on, give us a reason. There has got to be a reason. Come on."

The CIA is not without fault, but they are far from alone in leading us to war in Iraq. The administration will happily make them a scapegoat. Put it all on them and send them out in the wilderness. Blame George Tenet, blame all the analysts, public servants, all the public officials. Nothing at the White House. "We are blameless," they say.

I ask every American to compare what the administration will do in the next few days. On this weekend they are going to spin that idea all weekend. "We are blameless. We are blameless. The CIA is to blame."

Just compare that with what John Kennedy did after the Bay of Pigs. President Kennedy accepted responsibility. He had the CIA telling him things. He listened to them and he allowed it to happen, and he said "The buck stops at my desk. I made the decision. I was wrong."

Now, does anybody in this country believe that the President will admit that any mistakes have occurred in Iraq because of his decision making? Will this administration tell the American people that they should be held accountable for a needless war in Iraq?

Can you imagine the President coming on television and saying, "Well, we made some mistakes and I shouldn't have taken us into Iraq. The 1,000 people who have died were for naught."

John Kennedy accepted the blame. Will this President do that? The buck

stops at the White House with this bunch for only 116 more days.

WE MUST PROTECT OUR BORDER COMMUNITIES FROM DIRTY AIR AND UNFAIR SANCTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, we all know that pollution knows no boundaries. As much as we wish they could, the Border Patrol is not able to stop air pollution from coming over our international borders.

Right now, communities on our international border are being bombarded with pollutants from our neighboring countries. It is making air quality along the border even worse and leaves those communities with no recourse.

I introduced a bill, H.R. 4774, to provide Federal assistance to combat air pollution at the border, to ensure that our communities are not unfairly penalized.

Imperial County in my Southern California district, which takes up much of the U.S. Mexico border in the State, is severely impacted by air pollution because it sits in the middle of an air basin that straddles the international border with Mexico.

Mexico simply does not have the same strict air quality standards as does the United States. Imperial County has not met national and State air quality standards as a result, so any air pollution created in the international air basin has serious consequences for the health of my community's citizens.

I have deep concerns about a recent Federal Court ruling regarding the air quality of Imperial County and the subsequent actions on the part of the Environmental Protection Agency.

Imperial County has demonstrated to EPA that the county would have only moderate pollution were it not for serious air pollution from Mexicali, Mexico. EPA agreed. However, outside groups took EPA to court and they ruled in turn that Imperial County's air pollution should indeed be classified as serious.

This is a devastating ruling for Imperial County. Unemployment averages 20 to 30 percent. The ability to attract new employment opportunities will be greatly hindered. Economic development will be halted. Agricultural activities will not be able to begin.

□ 1700

The chaos and expense to Imperial County will not address the real cause of nonattainment: cross-border pollutants.

Imperial County has an asthma rate that is off the charts, the worst in the State, probably the worst in the Nation. Asthma-related hospitalization rates are five to six times greater than the overall rate in California. This sta-

tistic is a statistic that I and many others in our community are fighting to change, but we cannot change it if we are not pushed to work with our neighbor to the south.

For that reason, I introduced the bill H.R. 4774, the FAIR Air Act, fair meaning the Foreign Air Impact Regulation, which will compel the United States at the Federal level to work more closely with our neighbors in trying to reduce air pollution. This bill says that if pollution from another country causes nonattainment of pollution regulations, EPA and the Secretary of State should work together to lower it; do not put it on the backs of the farmers and the working people in Imperial County.

My bill would direct the Secretary of State to negotiate with his or her counterparts in the foreign country to develop a plan to improve air quality. It requires EPA to deliver a report to Congress that lays out the agreed-upon binational steps with binational funding to back it up, those steps to improve the air quality in the region; and directs the EPA to take action to help the region implement the plan; and, finally, delays EPA's authority to move border air quality regions to a higher pollution nonattainment status until the previous items have been completed.

We simply cannot put this international problem on the backs of those who simply happen to live along the border. There truly needs to be a binational cooperative solution. We live in the same air shed, and we are interested in good neighborly relations.

I am fighting to help our binational communities come into compliance with air quality standards with help from both sets of governments. It is only with cooperation and working together to achieve a common goal that we can indeed reduce air pollution and keep the children in Imperial County from suffering from asthma.

Mr. Speaker, H.R. 4774, the FAIR Air Act, will help to achieve that purpose. I urge my colleagues to support that bill.

INTERNATIONAL COURT OF JUSTICE RULES AGAINST ISRAEL'S RIGHT TO PROTECT ITSELF

The SPEAKER pro tempore (Mr. GINGREY). Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, today the so-called International Court of Justice, which I think would be better named the "International Court of Injustice," ruled against Israel putting up a security fence, which she put up in order to protect her people against suicide bombers.

No condemnation from the "International Court of Injustice" about suicide bombers and the killing of innocent civilians and the terror campaign that has been waged against Israel by

the Palestinians for the past 3 years. No talk about the children, the schoolchildren who have been blown up as they go to school on buses, or the pregnant women that have been killed because of Palestinian terror. But only, once again, a ruling condemning the State of Israel.

I do not think that any Nation, having the need to protect its citizens, would act any differently than the State of Israel in putting up this fence to keep suicide bombers out. It is hypocrisy for the International Court of Justice, it is hypocrisy for the United Nations, the hypocrisy of these countries that would have one standard for the State of Israel and one standard for every other country.

Other nations have fences, yet we hear no condemnation towards those countries from the International Court of Justice. India, Saudi Arabia, Turkey all have fences to deal with insurgencies or terrorism, but yet the very countries that condemn Israel for the same thing, we hear nary a peep from them about other countries.

The International Court of Justice should not have even heard this case. But, again, of course, they have one separate standard for the State of Israel and one separate standard for every other country.

Today's decision by the International Court of Justice is in itself a travesty of justice. The Israeli security barrier is not only protecting innocent Israeli civilians from terrorism; it is allowing Palestinians to achieve a greater degree of normalcy as Israeli checkpoints have been removed and terrorists are less able to pass through Palestinian communities.

The Prime Minister of Israel's disengagement plan endorsed by our country, the European Union, the United Nations, and Russia was based in large part on steps by Israel to achieve greater security, including the establishment of this temporary security fence. As soon as Palestinian terrorism ends, there will no longer be a need for this antiterrorism banner. The ruling of the ICJ sets back the Middle East peace process by undermining the disengagement plan and the road map.

The Israeli Supreme Court recently ruled that the security barrier is a legitimate and legal tool to prevent terror, but that there must be a balance between security and the impact on Palestinian communities. I cannot comprehend why an international tribunal has taken up and now reached a decision on a case which had already been competently handled by a national court.

Now, this decision is merely advisory. I call upon the members of the United Nations General Assembly to correct this mistake by not taking up a resolution to implement the recommendations of the International Court of Justice. If they do, the United Nations will once again show that it is not functioning the way it was intended; that instead of being an impartial group, it is leaning heavily on one

side, and as Abba Eban, the late Foreign Minister of Israel, used to say, you could have a resolution at the United Nations saying that the Earth is flat, and if it were put forward by an Arab country, it would automatically get 70 or more votes.

The fence that Israel has put up is a fence that any nation would put up to defend its people and keep terrorism away. Just as we in the United States are doing everything possible to prevent another terrorist attack on our country, Israel has every right to do the same thing to prevent terrorist attacks on its country. Terrorism is a terrible tool that some think can be used as a negotiating tool. We must stomp out this scourge of terrorism wherever it rears its ugly head.

I commend Israel for the security barrier, and I condemn the "International Court of Injustice" for once again showing that they are nothing more than a travesty of justice.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Ms. PELOSI) for today after 2:30 p.m. on account of personal reasons.

Mr. BOYD (at the request of Ms. PELOSI) for today after 2:00 p.m. on account of family responsibilities.

Mr. EMANUEL (at the request of Ms. PELOSI) for today after 3:00 p.m. on account of personal reasons.

Mr. GREEN of Texas (at the request of Ms. PELOSI) for today on account of personal reasons.

Ms. KILPATRICK (at the request of Ms. PELOSI) for today after 3:00 p.m. on account of personal reasons.

Ms. LOFGREN (at the request of Ms. PELOSI) for today after 12:30 p.m. on account of a family commitment.

Mrs. JONES of Ohio (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. ORTIZ (at the request of Ms. PELOSI) for today after 2:10 p.m. on account of official business.

Mr. REYES (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. CULBERSON (at the request of Mr. DELAY) for today on account of illness.

Mr. GERLACH (at the request of Mr. DELAY) for today on account of official business.

Mr. GUTKNECHT (at the request of Mr. DELAY) for today after 11:00 a.m. through 6:00 p.m. on July 13 on account of the death of his father.

Mr. TAUZIN (at the request of Mr. DELAY) for the week of July 6 on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCDERMOTT) to revise and

extend their remarks and include extraneous material:)

Mr. HOYER, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. SAXTON) to revise and extend their remarks and include extraneous material:)

Mr. GUTKNECHT, for 5 minutes, July 13.

Mr. PENCE, for 5 minutes, today.

Mr. OXLEY, for 5 minutes, today.

Mr. SAXTON, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. ENGEL, for 5 minutes, today.

SENATE BILLS REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2634. An act to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, to provide funds for campus mental and behavioral health service centers, and for other purposes; to the Committee on Energy and Commerce.

ADJOURNMENT

Mr. ENGEL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 8 minutes p.m.), under its previous order, the House adjourned until Monday, July 12, 2004, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8976. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Kevin P. Green, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

8977. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Michael D. Malone, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

8978. A letter from the Principal Deputy Under Secretary, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade indicated in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8979. A letter from the Acting Under Secretary, Department of Defense, transmitting two enclosed reports, the first report is the Department of Defense Chemical, Biological, Radiological, and Nuclear (CBRN) Defense Program Annual Report, the second is the Department of Defense CBRN Defense Program Performance Plan for Fiscal Years 2003-2005, as required by H. Rpt. No. 106-945 and S. Rpt. 108-46, pursuant to 50 U.S.C. 1523; to the Committee on Armed Services.

8980. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's FY 2002 report entitled, "Implementation of the Waste Isolation Pilot Plant Land Withdrawal Act" required under Section 23(a)(2) of the Act; jointly to the Committees on Energy and Commerce and Armed Services.

8981. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 7(a) of the Jerusalem Embassy Act of 1995 (Pub. L. 104-45), a copy of Presidential Determination No. 2004-36 suspending the limitation on the obligation of the State Department Appropriations contained in sections 3(b) and 7(b) of that Act for six months as well as the periodic report provided for under Section 6 of the Act covering the period from December 16, 2003, to the present; jointly to the Committees on International Relations and Appropriations.

8982. A letter from the Director, National Film Preservation Foundation, transmitting the Foundation's Report to the U.S. Congress for the Year Ending December 31, 2003, pursuant to 36 U.S.C. 5706; jointly to the Committees on the Judiciary and House Administration.

8983. A letter from the Secretary, Department of Veterans Affairs, transmitting a draft bill "To amend title 38, United States Code, to improve the authorities of the Department of Veterans Affairs relating to compensation, dependency and indemnity compensation, life insurance benefits, memorial benefits, and education benefits, and for other purposes"; jointly to the Committees on Veterans' Affairs and Armed Services.

8984. A letter from the Chairman, Labor Member, and Management Member, Railroad Retirement Board, transmitting a report on the actuarial status of the railroad retirement system, including any recommendations for financing changes, pursuant to 45 U.S.C. 231f-1; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

8985. A letter from the Administrator, General Services Administration, transmitting proposed legislation to authorize the transfer of the Nebraska Avenue Complex (NAC) from the U.S. Navy to the General Services Administration (GSA) for the use of the Department of Homeland Security (DHS); jointly to the Committees on Armed Services, the Judiciary, Transportation and Infrastructure, and Homeland Security (Select).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BARTON: Committee on Energy and Commerce. H.R. 4600. A bill to amend section 227 of the Communications Act of 1934 to clarify the prohibition on junk fax transmissions; with an amendment (Rept. 108-593). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the Committee on Energy and Commerce

discharged from further consideration. S. 1146 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

S. 144. Referral to the Committee on Agriculture extended for a period ending not later than July 31, 2004.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. JOHN:

H.R. 4790. A bill to amend the Federal Food, Drug, and Cosmetic Act to authorize the importation of prescription drugs from Canada and certain other countries, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HUNTER:

H.R. 4791. A bill to direct the Secretary of the Interior to conduct a feasibility study to design and construct a three-reservoir intertie system for the purposes of improving the water supply reliability and water yield of San Vicente, El Capitan, and Loveland Reservoirs in San Diego County, California in consultation and cooperation with the Sweetwater Authority, and for other purposes; to the Committee on Resources.

By Ms. LEE (for herself, Mr. LANTOS,

Mr. WEXLER, Mr. PAYNE, Mr. MCGOVERN, Mr. GRIJALVA, Ms. CORRINE BROWN of Florida, Mr. OWENS, Mr. RUSH, Ms. WATERS, Ms. NORTON, Mr. CONYERS, Mr. BROWN of Ohio, Mr. BELL, Mr. McDERMOTT, Mr. CROWLEY, Mr. GUTIERREZ, Ms. CARSON of Indiana, Mr. PALLONE, Mr. DAVIS of Illinois, Mrs. MALONEY, Mr. DELAHUNT, Mrs. CHRISTENSEN, Mr. CUMMINGS, Mr. DOGGETT, Mr. OLVER, Mr. FRANK of Massachusetts, Ms. JACKSON-LEE of Texas, Mr. WAXMAN, Ms. WATSON, Ms. KILPATRICK, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. THOMPSON of Mississippi, Mr. JACKSON of Illinois, Mr. SCOTT of Virginia, Mr. SCOTT of Georgia, Mr. LEWIS of Georgia, Mr. CLYBURN, Ms. MILLENDER-MCDONALD, Mr. BISHOP of Georgia, Ms. MCCOLLUM, Mr. WYNN, Mr. KUCINICH, Mr. RANGEL, Ms. SOLIS, Mr. DICKS, Ms. SCHAKOWSKY, Mrs. MCCARTHY of New York, Mr. MEEKS of New York, Mr. DINGELL, Mr. BERMAN, Ms. DELAURO, Mrs. JONES of Ohio, Mr. MORAN of Virginia, and Mr. SERRANO):

H.R. 4792. A bill to require the President to establish a comprehensive, integrated, and culturally appropriate HIV prevention strategy that emphasizes the needs of women and girls for each country for which the United States provides assistance to combat HIV/AIDS, and for other purposes; to the Committee on International Relations.

By Ms. WATERS (for herself, Mr. LEACH, Mr. FRANK of Massachusetts, Mr. BACHUS, Ms. LEE, and Mrs. MALONEY):

H.R. 4793. A bill to provide for the cancellation of debts owed to international financial institutions by poor countries, and for other purposes; to the Committee on Financial Services.

By Mr. HUNTER (for himself, Mr. FILER, Mr. CUNNINGHAM, Mr. ISSA, and Mrs. DAVIS of California):

H.R. 4794. A bill to amend the Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000 to extend the authorization of appropriations, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 4795. A bill to amend the Employee Retirement Income Security Act of 1974 to exclude cooperative employing units from multiple employer welfare arrangements; to the Committee on Education and the Workforce.

By Mr. BALLENGER (for himself, Mrs. JOHNSON of Connecticut, Mr. CANTOR, Mr. ROHRABACHER, Mr. GOODE, Mr. PAUL, and Mr. PLATTS):

H.R. 4796. A bill to amend the Internal Revenue Code of 1986 to improve the operation of employee stock ownership plans, and for other purposes; to the Committee on Ways and Means.

By Mr. DAVIS of Illinois (for himself, Mr. WAXMAN, Mr. HOYER, Ms. NORTON, Mr. CUMMINGS, Mr. WYNN, Mr. RUPPERSBERGER, Mr. OWENS, and Mr. KUCINICH):

H.R. 4797. A bill to provide for a demonstration project to enhance the ability of Federal agencies to continue to operate during an extended emergency situation, and for other purposes; to the Committee on Government Reform.

By Mr. FORD:

H.R. 4798. A bill to improve post-traumatic stress disorder treatment for veterans of service in Afghanistan and Iraq and the war on terror; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GORDON (for himself, Mr. DAVIS of Illinois, Mr. OSBORNE, Mr. WALDEN of Oregon, Mr. DUNCAN, and Mr. STUPAK):

H.R. 4799. A bill to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, to provide funds for campus mental and behavioral health service centers, and for other purposes; to the Committee on Energy and Commerce.

By Ms. HOOLEY of Oregon:

H.R. 4800. A bill to support specialty crop producers and production in the United States, to improve the program of value-added agricultural product market development grants by routing the grant funds through State departments of agriculture, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL:

H.R. 4801. A bill to direct the Administrator of the Federal Aviation Administration to issue an order regarding secondary cockpit barriers; to the Committee on Transportation and Infrastructure.

By Mr. MEEHAN:

H.R. 4802. A bill to require information on railroad tank cars containing hazardous ma-

terials to be available to first responders; to the Committee on Transportation and Infrastructure.

By Mr. MICHAUD:

H.R. 4803. A bill to designate the memorial to Edmund S. Muskie located in Rumford, Maine, as a national memorial; to the Committee on Resources.

By Mr. MICHAUD:

H.R. 4804. A bill to authorize the Secretary of the Interior to conduct a special resources study to determine the suitability and feasibility of designating the memorial to Edmund S. Muskie located in Rumford, Maine, as a unit of the National Park System; to the Committee on Resources.

By Mr. MURPHY (for himself, Mrs. JOHNSON of Connecticut, Mr. KENNEDY of Rhode Island, Mr. GREENWOOD, Mr. WELDON of Florida, Mr. WELDON of Pennsylvania, Ms. GINNY BROWN-WAITE of Florida, and Mr. GINGREY):

H.R. 4805. A bill to direct the Secretary of Health and Human Services to establish a demonstration program under which the Secretary offsets the costs of electronic prescribing systems of Medicare health care providers; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEUGEBAUER:

H.R. 4806. A bill to provide for a land exchange involving Federal lands in the Lincoln National Forest in the State of New Mexico, and for other purposes; to the Committee on Resources.

By Mr. OSE (for himself, Mr. CARDOZA, Mr. FILER, Mr. SHERMAN, Mr. MCKEON, Mr. DOOLITTLE, Mr. MATSUI, Mr. POMBO, Mr. HERGER, Ms. LEE, Ms. WATSON, Mr. GARY G. MILLER of California, Mr. SCHIFF, Mr. ROHRABACHER, Ms. ESHOO, Ms. MILLENDER-MCDONALD, Mr. LEWIS of California, Mr. ROYCE, Mr. FARR, Mr. NUNES, and Mr. HONDA):

H.R. 4807. A bill to designate the facility of the United States Postal Service located at 140 Sacramento Street in Rio Vista, California, as the "Adam G. Kinser Post Office Building"; to the Committee on Government Reform.

By Mr. PEARCE:

H.R. 4808. A bill to provide for a land exchange involving private land and Bureau of Land Management land in the vicinity of Holloman Air Force Base, New Mexico, for the purpose of removing private land from the required safety zone surrounding munitions storage bunkers at Holloman Air Force Base; to the Committee on Resources.

By Mr. RYAN of Wisconsin:

H.R. 4809. A bill to make permanent the reduction in taxes on dividends and capital gains; to the Committee on Ways and Means.

By Ms. LORETTA SANCHEZ of California:

H.R. 4810. A bill to require that 50 percent of the amounts provided under certain grants provided by the Department of Homeland Security for first responders shall be distributed directly to local entities, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

PRIVATE BILLS AND
RESOLUTIONS

Under clause 3 of rule XII,

Mr. CROWLEY introduced a bill (H.R. 4811) for the relief of Saikou A. Diallo; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. SMITH of Michigan.
H.R. 189: Mr. TOWNS.
H.R. 480: Mr. CROWLEY, Mr. MEEKS of New York, Mrs. MALONEY, Mrs. MCCARTHY of New York, Mr. ACKERMAN, Mr. BISHOP of New York, and Mr. ENGEL.
H.R. 677: Ms. MAJETTE.
H.R. 792: Mr. WALDEN of Oregon, Mrs. CHRISTENSEN, Mr. UDALL of New Mexico, and Mr. PETRI.
H.R. 839: Mr. HASTINGS of Washington, Mr. SAXTON, Mr. NADLER, and Mr. DICKS.
H.R. 970: Mr. WATT.
H.R. 1097: Ms. MAJETTE, Mr. RANGEL, and Mr. MICHAUD.
H.R. 1258: Mr. ACKERMAN.
H.R. 1336: Ms. MAJETTE and Mr. TOWNS.
H.R. 1414: Mrs. MALONEY.
H.R. 1615: Mr. PALLONE.
H.R. 1634: Mr. WALDEN of Oregon.
H.R. 1823: Mr. SMITH of New Jersey.
H.R. 1863: Ms. BALDWIN, Mr. STRICKLAND, and Ms. SLAUGHTER.
H.R. 1873: Mr. SHAYS and Mr. ISTOOK.
H.R. 1886: Mr. GONZALEZ.
H.R. 1994: Ms. MAJETTE.
H.R. 1995: Mr. FROST.
H.R. 2068: Mr. KILPATRICK, Ms. MCCOLLUM, and Mr. MOORE.
H.R. 2071: Mr. MEEHAN.
H.R. 2387: Mr. TIERNEY and Mr. GEORGE MILLER of California.
H.R. 2562: Mr. SCOTT of Georgia.
H.R. 2674: Mr. MCGOVERN and Mr. UDALL of New Mexico.
H.R. 2747: Mr. SOUDER.
H.R. 2839: Mr. VITTER.
H.R. 2843: Mr. MEEHAN and Mr. WELLER.
H.R. 2916: Mrs. MALONEY.
H.R. 2959: Mr. DELAHUNT, Mr. LEWIS of Georgia, Mr. SERRANO, and Mr. MILLER of North Carolina.
H.R. 2967: Mr. LOBIONDO.
H.R. 2983: Mr. COLE.
H.R. 3042: Mr. PENCE.
H.R. 3085: Mr. WEINER.
H.R. 3111: Mrs. WILSON of New Mexico, Ms. MCCOLLUM, Mr. DEFAZIO, Mrs. LOWEY, and Mr. ENGLISH.
H.R. 3193: Mr. TURNER of Ohio.
H.R. 3242: Mr. SHUSTER and Mr. TAYLOR of North Carolina.
H.R. 3310: Mr. GARY G. MILLER of California.
H.R. 3313: Mr. LEWIS of Kentucky and Mr. SESSIONS.
H.R. 3361: Ms. ESHOO.
H.R. 3558: Mr. LAHOOD.
H.R. 3579: Mr. MEEK of Florida.
H.R. 3676: Mr. RANGEL.
H.R. 3809: Mr. CAPUANO.
H.R. 3816: Mr. LIPINSKI.
H.R. 3831: Mr. TOWNS, Mr. DAVIS of Illinois, Mr. WYNN, Mr. RANGEL, Mr. SCHIFF, Ms. WATSON, Mr. BERMAN, Mr. CONYERS, Mr. JACKSON of Illinois, Mr. RUSH, and Mr. DAVIS of Alabama.
H.R. 3858: Mr. REYNOLDS, Mr. DELAHUNT, and Mr. LEWIS of Georgia.
H.R. 3968: Mrs. TAUSCHER.
H.R. 4046: Mr. CROWLEY, Mr. FOSSELLA, Ms. VELÁZQUEZ, Mr. WALSH, Mr. NADLER, Mr. ENGEL, Mr. REYNOLDS, Mr. QUINN, Mr. SWEENEY, and Mr. KING of New York.

H.R. 4113: Mr. SHAW.
H.R. 4126: Mr. GORDON.
H.R. 4249: Ms. SOLIS, Ms. MILLENDER-MCDONALD, Mr. BERRY, Mr. LEWIS of Georgia, Mr. RUSH, Mr. EMANUEL, Mr. SNYDER, Mr. RUPPERSBERGER, Mr. WYNN, Mr. NEAL of Massachusetts, Mr. MARKEY, Mr. CARDIN, Mr. OBERSTAR, Mr. THOMPSON of Mississippi, Mr. LARSON of Connecticut, Mr. CONYERS, Mr. PAYNE, Ms. MCCARTHY of Missouri, Mr. ISRAEL, Mrs. MCCARTHY of New York, Mr. NADLER, Mr. WEINER, Mr. TOWNS, Mr. OWENS, and Mrs. MALONEY.
H.R. 4256: Ms. SCHAKOWSKY.
H.R. 4262: Mr. LEWIS of Georgia, Ms. MILLENDER-MCDONALD, and Ms. BORDALLO.
H.R. 4284: Mr. OTTER and Mr. CALVERT.
H.R. 4306: Mr. LIPINSKI.
H.R. 4341: Mr. LARSON of Connecticut.
H.R. 4356: Mr. MEEKS of New York.
H.R. 4358: Mr. SIMMONS.
H.R. 4375: Mr. GEORGE MILLER of California, Mr. McDERMOTT, Mr. TOWNS, Mr. McINTYRE, and Mr. SOUDER.
H.R. 4391: Mr. SHAYS.
H.R. 4396: Mr. WILSON of South Carolina.
H.R. 4430: Mr. BURR, Mr. MICA, Mr. CAMP, Mr. KENNEDY of Minnesota, and Mr. FRANKS of Arizona.
H.R. 4450: Mr. LEWIS of Georgia and Mr. LIPINSKI.
H.R. 4468: Mr. SPRATT.
H.R. 4491: Mr. BROWN of Ohio, Mrs. JONES of Ohio, Mr. JENKINS, Mr. SHUSTER, and Mr. MCHUGH.
H.R. 4530: Mr. TAYLOR of Mississippi and Mr. ROGERS of Alabama.
H.R. 4557: Mr. DUNCAN, Mr. FORD, Mr. COOPER, and Mr. LAHOOD.
H.R. 4561: Mr. KILDEE, Mrs. MCCARTHY of New York, and Mr. WEXLER.
H.R. 4585: Mr. RANGEL, Mr. ETHERIDGE, Mr. BELL, Mrs. DAVIS of California, and Mrs. JONES of Ohio.
H.R. 4598: Mr. STEARNS.
H.R. 4600: Mr. MANZULLO.
H.R. 4634: Mrs. JOHNSON of Connecticut.
H.R. 4636: Mr. LEWIS of Georgia, Mr. ETHERIDGE, Mr. CASE, Mr. LAMPSON, Ms. WOOLSEY, Mr. WU, and Mr. HONDA.
H.R. 4654: Ms. KAPTUR, Ms. WOOLSEY, and Mr. MCGOVERN.
H.R. 4655: Mr. PETERSON of Minnesota.
H.R. 4680: Mr. RENZI and Mr. ISSA.
H.R. 4714: Mr. PORTMAN.
H.R. 4730: Mr. SOUDER, Ms. HART, Mr. BERRY, Mr. OBERSTAR, Mr. DAVIS of Illinois, and Mr. LIPINSKI.
H.R. 4739: Mr. BOEHLERT.
H.R. 4740: Ms. SCHAKOWSKY.
H.R. 4758: Mr. BROWN of Ohio.
H.R. 4769: Mr. OBERSTAR and Mr. FROST.
H.R. 4785: Mr. DAVIS of Illinois.
H. Con. Res. 375: Mr. HOYER, Mr. ISAKSON, Mr. NADLER, and Mrs. LOWEY.
H. Con. Res. 390: Mr. WEINER, Mr. TANCREDO, and Mr. SCHIFF.
H. Con. Res. 462: Mr. SIMMONS.
H. Con. Res. 467: Mr. BACHUS, Mr. FILNER, Mr. MCGOVERN, Mr. BRADY of Pennsylvania, Mr. HINCHEY, Ms. LOFGREN, Mr. EVANS, Mr. KLECZKA, Mr. GORDON, Mr. NADLER, Mr. FRANKS of Arizona, and Mr. CAPUANO.
H. Res. 567: Ms. PELOSI and Mr. GEORGE MILLER of California.
H. Res. 568: Mr. RYAN of Wisconsin, Mr. PAUL, Mr. BOOZMAN, and Mr. EVERETT.
H. Res. 629: Ms. SLAUGHTER and Mr. OWENS.
H. Res. 647: Mr. FROST, Mr. BLUNT, and Mr. PALLONE.
H. Res. 687: Mr. VAN HOLLEN.

DELETIONS OF SPONSORS FROM
PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3889: Mrs. MYRICK.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4766

OFFERED BY: Ms. KAPTUR

AMENDMENT No. 3: In title I, under the heading "COMMON COMPUTING ENVIRONMENT", insert after the dollar amount the following: "(reduced by \$8,000,000)".

In title III, under the heading "RENEWABLE ENERGY PROGRAM", insert after the dollar amount the following: "(increased by \$8,000,000)".

H.R. 4766

OFFERED BY: Mr. LUCAS OF OKLAHOMA

AMENDMENT No. 4: At the end of the bill (before the short title), insert the following:

TITLE —ADDITIONAL GENERAL
PROVISIONS

SEC. _____. (a) Section 1241(b) of the Food Security Act of 1985 (16 U.S.C. 3841(b)) is amended—

(1) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) through (4)"; and

(2) by adding at the end the following:

"(3) FARMLAND PROTECTION PROGRAM, GRASSLAND RESERVE PROGRAM, ENVIRONMENTAL QUALITY INCENTIVES PROGRAM, WILDLIFE HABITAT INCENTIVES PROGRAM, AND GROUND AND SURFACE WATER CONSERVATION PROGRAM.—

"(A) IN GENERAL.—Effective for fiscal year 2005 and subsequent fiscal years, Commodity Credit Corporation funds made available to carry out a conservation program specified in paragraphs (4) through (7) of subsection (a) of this section or the ground and surface water conservation program under section 1240I shall not be available for the provision of technical assistance for any other of such programs.

"(B) SEPARATION OF GROUND AND SURFACE WATER CONSERVATION PROGRAM FROM THE ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.—For purposes of subparagraph (A), the ground and surface water conservation program under section 1240I shall be considered to be a program separate and apart from the rest of the environmental quality incentives program under chapter 4 of subtitle D.

"(4) CONSERVATION RESERVE PROGRAM AND WETLANDS RESERVE PROGRAM.—Effective for fiscal year 2005 and subsequent fiscal years, Commodity Credit Corporation funds made available to carry out a conservation program specified in paragraph (1) or (2) of subsection (a) shall be available for the provision of technical assistance for the program."

H.R. 4766

OFFERED BY: Mr. LUCAS OF OKLAHOMA

AMENDMENT No. 5: At the end of the bill (before the short title), insert the following:

TITLE —ADDITIONAL GENERAL
PROVISIONS

SEC. _____. (a) None of the funds made available in this Act for the Environmental Quality Incentives Program authorized by chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa-3839aa-9), the Wildlife Habitat Incentive Program authorized by section 1240N of such Act (16 U.S.C. 3839bb-1), the Grassland Reserve Program authorized by subchapter C of chapter 2 of such subtitle (16 U.S.C. 3838n-3838q), or the Farmland Protection Program authorized by subchapter B of such chapter 2 (16 U.S.C. 3838h-3838j) may be used to provide

technical assistance under the Conservation Reserve program authorized by subchapter B of chapter 1 of such subtitle (16 U.S.C. 3831–3835a) or under the Wetlands Reserve Program authorized by subchapter C of such chapter 1 (16 U.S.C. 3837–3837f).

(b) None of the funds made available in this Act for the Conservation Reserve pro-

gram authorized by subchapter B of chapter 1 of subtitle D of the Food Security Act of 1985 (16 U.S.C. 3831–3835a) may be used to provide technical assistance under the Wetlands Reserve Program authorized by subchapter C of such chapter (16 U.S.C. 3837–3837f).

(c) None of the funds made available in this Act for the Wetlands Reserve Program au-

thorized by subchapter C of chapter 1 of subtitle D of the Food Security Act of 1985 (16 U.S.C. 3837–3837f) may be used to provide technical assistance under the Conservation Reserve Program authorized by subchapter B of such chapter (16 U.S.C. 3831–3835a).